



Commissioners:
Phillip Jackson
Lacey Ragus
Rebecca Patterson
Trey Bodenhamer
Todd Vande Zande
Carolyn Greenall
Robert Trim

**Planning Commission
Meeting Agenda
November 6, 2024 6:30 PM
Council Chambers
(2529 J.O. Stephenson Avenue, Kennesaw, GA 30144)**

1. Call to Order / Roll Call

2. Announcements

- A. This public meeting is being conducted via the use of real-time telephonic technology, allowing the public simultaneous access to the public meeting. The meeting may be accessed using the following link: <https://www.kennesaw-ga.gov/publicmeetings/>. If you would like to provide public comment on a specific agenda item, you can email kennesawcouncil@kennesaw-ga.gov no later than 6:00 p.m. the night of the regular meeting. Your comment will be read aloud or grouped into categories for the record. All interested parties may attend the meeting in person with limited seating available at the City Hall Council Chambers and the Ben Robertson Community Center, if needed. Please note that the Planning Commission serves as an advisory board that makes recommendations to the Mayor and Council unless otherwise noted.
- B. Pending zoning applications may be viewed on an interactive map via the Planning & Zoning webpage or using the following link: <https://arcg.is/1q1ubX0>.
- C. New business items on this agenda will be heard by the Mayor and Council on November 18, 2024.

3. Approval of the Meeting Minutes

- A. Approval of Meeting Minutes: October 2, 2024

4. New Business

- A. **RZ2024-04** - Consideration to amend the zoning conditions for the property located at 2112 & 2114 Old 41 Hwy, and 1620 N. Roberts Rd (20017501190,

20017501210, 20017500210, 20017400080) as submitted by Fabric Housing Acquisitions, LLC. Said request is to amend the zoning conditions outlined in ordinances #2018-10 and #2022-09 to eliminate the ground floor commercial requirement and replace the two condominium buildings consisting of 9,750 sq. ft with the remaining 12,000 sq. ft of retail along N. Roberts Road. Property consists of 4.57 +/- acres and lies in land lot 174, 175, 206, and 207 tax parcel 21, 121, 119, and 8.

- B. **MISC2024-03** - Consideration for approval of a text amendment request as submitted by the City of Kennesaw. Said request is to amend the Unified Development Code, Appendix A, " Unified Development Code" Section 2.03.00 and Section 8.04.00 of said chapters as submitted by the City of Kennesaw.
- C. **PP2024-01** - Consideration for approval of a preliminary plat as submitted by Tyler Shoop located at 3057 N. Main Street (Parcel ID: 20012702300) for the development of a 38 unit townhome community. The property is located on 5.98+/- acres, and lies in land lot 127, tax parcel 23.

5. Staff Comment

6. Adjourn

**MINUTES OF PLANNING COMMISSION MEETING
CITY OF KENNESAW
Council Chambers
(2529 J.O. Stephenson Avenue, Kennesaw, GA 30144)
October 2, 2024
6:30 PM**

1. Call to Order / Roll Call

The meeting was called to order by Vice Chair Bodenhamer at 6:33 p.m.

Roll Call: Commissioner Ragus, Commissioner Patterson, Commissioner Greenall, and Commissioner Trim

Absent: Commissioner Vande Zande and Commissioner Jackson

Staff Present: Darryl Simmons (Planning & Zoning Administrator), Chanelle Campbell (Assistant Zoning Administrator & City Planner), and Rebecca Goldstein (Community Development Administrative Assistant)

2. Announcements

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- B. Pending zoning applications may be viewed on an interactive map via the Planning & Zoning webpage or using the following link: <https://arcg.is/1q1ubX0>.
- C. New business items on this agenda will be heard by the Mayor and Council on October 21, 2024.

3. Approval of the Meeting Minutes

- A. Approval of Meeting Minutes: August 7, 2024

Vice Chair Bodenhamer called for a motion.

Motion to approve by Commissioner Trim

Seconded by Commissioner Greenall

Vice Chair Bodenhamer proceeded with a roll call for approval.

Vote taken. Commissioner Ragus and Commissioner Greenall abstained. Commissioner Patterson, Commissioner Trim, and Vice Chair Bodenhamer voted in favor. Motion unanimously approved 3-0. Motion carried.

4. New Business

- A. LU2024-03 - Consideration for approval of a land use request located at 2255 Long Bow Chase submitted by Nancy Lesser. Said request is to obtain a home occupation business license to create sublimation tumblers and decor to sell. Property is zoned Planned Unit Development - Residential (PUD-R), consists of 0.25 +/- acres and lies in land lot 101 tax parcel 375.

Ms. Chanelle Campbell introduced this agenda item. This is a land use permit application submitted by Nancy Lesser, who is the owner of the property located at 2255 Long Bow Chase. The property is currently zoned Planned Unit Development - Residential with a Senior Living Overlay. She is interested in obtaining a Home Occupational License to create and sell sublimation tumblers and home decor.

All the required public notice procedures were completed, including the placement of a public notice sign on the property and advertising in the Marietta Daily Journal on September 13.

The applicant plans to utilize the office space on the main floor and the basement in her home to store, prepare, and package the items including tumblers and home decor. Equipment will include a heat press, tumbler press, and sublimation printer. Items will be sold online and at craft shows in the area. Staff believes the requested use is very low in commercial intensity as the use will be contained within an enclosed building space. It should not cause nuisance to the adjacent neighboring properties as there will be no indication of a commercial business such as foot traffic from clients or customers. There will be no signage, or external display of products. Staff received the correspondence from the Victoria Crossing HOA approving the creation and selling of items online and at craft stores as petitioned by the applicant. Images were shown to display examples of the types of products the applicant would be making, including tumblers and home decor.

Staff recommended approval with the following conditions:

1. The land use permit is valid for 24-months starting from the date of final approval
2. The land use permit is limited to the current applicant, this use and business, and is not transferable. Any changes would require additional review and approval.
3. There shall be no clients, customers, or employees at this location nor shall there be any evidence of a home based business visible from the right-of-way including no signage and no more than one commercial vehicle dedicated to the business.

Staff stated the applicant was present to answer any additional questions from the Commissioners. Vice Chair Bodenhamer asked the applicant if she would like to speak. The applicant declined.

Vice Chair Bodenhamer opened the floor for public comment. Given no response, he closed the floor for public comment and opened the floor to Commissioner comments.

Commissioner Trim asked staff if the condition stating that there shall be no employees affects the applicant as the business owner. Ms. Campbell explained that per the City's ordinance, the individual running the business is the only one at the business but outside of the owner, there shall be no additional employees.

Given no additional comments from the Commissioners, Vice Chair Bodenhamer closed the floor for Commissioner comments.

Vice Chair Bodenhamer entertained a motion to approve with conditions.

Vice Chair Bodenhamer called for a motion.

Motion to approve with conditions by Commissioner Greenall

Seconded by Commissioner Patterson

Vice Chair Bodenhamer proceeded with a verbal vote for approval.

Vote taken, motion unanimously approved 4-0. Motion carried.

5. Staff Comment

Mr. Darryl Simmons, on behalf of staff, solicited Commissioner interest in additional educational opportunities for the remainder of 2024. Mr. Simmons then thanked the Commissioners for their support and expressed that he looks forward to continue working with the Commissioners.

6. Adjourn

Vice Chair Bodenhamer called for a motion to adjourn.

Motion to adjourn by Commissioner Trim

Seconded by Commissioner Greenall

Vice Chair Bodenhamer adjourned the meeting at 6:42 p.m.



Item Report

TO: The Planning Commission

FROM: Darryl Simmons, Zoning Administrator

DATE: November 6, 2024

TITLE: **RZ2024-04** - Consideration to amend the zoning conditions for the property located at 2112 & 2114 Old 41 Hwy, and 1620 N. Roberts Rd (20017501190, 20017501210, 20017500210, 20017400080) as submitted by Fabric Housing Acquisitions, LLC. Said request is to amend the zoning conditions outlined in ordinances #2018-10 and #2022-09 to eliminate the ground floor commercial requirement and replace the two condominium buildings consisting of 9,750 sq. ft with the remaining 12,000 sq. ft of retail along N. Roberts Road. Property consists of 4.57 +/- acres and lies in land lot 174,175, 206, and 207 tax parcel 21, 121, 119, and 8.

Summary:

Consideration to amend the zoning conditions for the property located at 2112 & 2114 Old 41 Hwy, and 1620 N. Roberts Rd (20017501190, 20017501210, 20017500210, 20017400080) as submitted by Fabric Housing Acquisitions LLC. Said request is to amend the zoning conditions outlined in ordinances #2018-10 and #2022-09 to eliminate the ground floor commercial requirement and replace the two condominium buildings consisting of 9,750 sq. ft with the remaining 12,000 sq. ft of retail along N. Roberts Road. Property consists of 4.57 +/- acres and lies in land lot 174,175, 206, and 207 tax parcel 21, 121, 119, and 8. Case#RZ2024-04

Recommendation:

Fiscal Impact:

Attachments:

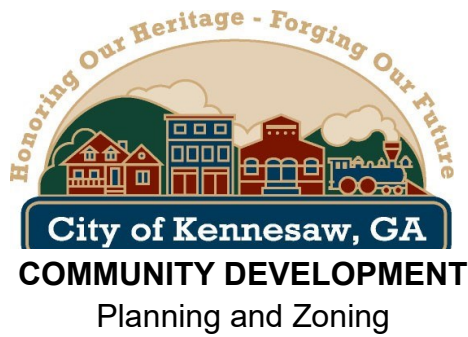
1. RZ2024-04_2112 & 2114 Old 41 Hwy_Staff Analysis
2. RZ2024-04_2112 & 2114 Old 41 Hwy_Application_Packet

ZONING ADMINISTRATOR
DARRYL SIMMONS

**ASSISTANT ZONING
ADMINISTRATOR/PLANNER**
CHANELLE CAMPBELL

CONTACT US

OFFICE: (770) 590-8268
WEBSITE: www.kennesaw-ga.gov
EMAIL: zoningdept@kennesaw-ga.gov



2529 J.O. Stephenson Avenue
Kennesaw, GA 30144

MAYOR AND COUNCIL
NOVEMBER 18, 2024

PLANNING COMMISSION
NOVEMBER 6, 2024

LEGAL ADVERTISEMENTS
OCTOBER 18, 2024

PUBLIC NOTICE SIGN
OCTOBER 18, 2024

APPLICATION SUBMITTED
SEPTEMBER 19, 2024

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2024-04

Property Addresses

2112 & 2114 Old 41 Hwy; 1620 N. Roberts Rd

Applicant

Fabric Housing Acquisitions, LLC

Representative

Moore, Ingram, Johnson & Steele, LLP - J. Kevin Moore

Property Owner

JLV Kennesaw Crossing, LLC
JLV Kennesaw Mixed Use, LLC

Current Zoning

Planned Village Community (PVC)

Future Land Use Category

Community Activity Center (CAC)

Project Request: Amend rezoning conditions from Ordinance #2018-10 and #2022-09.

[Please see page 5 project request description.](#)

PROPERTY DETAILS

Within 1/2 mi from Unincorporated Cobb Co: Yes

Historic District: No

Cemetery: No **Floodplain:** No **Stream:** No

Parcel ID #: 20017501190, 20017501210,
20017500210 & 20017400080

Land Lot #: 174, 175 **Tax Parcel #:** 119,121,21,8

Land Area: 4.547 +/-



Aerial view of subject property (Cobb Tax Assessor)



Aerial view of subject property (Cobb Tax Assessor)

RECOMMENDATION

Staff Recommendation: **DENIAL**

[Please see page 29 - 30 for basis for recommendation.](#)

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2024-04

AERIAL MAP

LOCATION:

The 4.547 +/- acre tract lies at the intersection of Old 41 Hwy and N. Roberts Rd. Surrounding uses to the south zoned county General Commercial (GC), county Low Rise Office (LRO), county Light Industrial (LI) and county Heavy Industrial (HI) with various commercial and office uses including Advance Auto Parts, Loud Security Systems and LGE Community Credit Union. To the north and east are zoned county Light Industrial (LI) with the FedEx Ground Warehouse to the north and office uses to the east. To the west is currently zoned county General Commercial (GC) and county Tourist Services (TS) district with uses including a Shell gas station and Waffle House.

BACKGROUND:

In 2018, the site was rezoned from General Commercial (GC) to Planned Village Community (PVC). The intent of the rezoning was to develop a mixed-use development consisting of a four-five story hotel, two (2) one-story retail building consisting of approximately 22,000 sq. ft, three (3) four-five story multifamily buildings and two (2) office condominium buildings consisting of 9,750 sq. ft.

The applicant submitted a rezoning application in 2022 to amend the master plan approved in 2018. The application requested to replace the hotel requirement with a mixed-use development consisting of 12,000 sq. ft. of ground floor commercial component and multifamily with no more than 208 additional units. The request was approved by Mayor and Council on November 21, 2022 with added stipulations including outdoor plaza spaces, a parking deck with enough spaces to meet the minimum standards found in [section 6.06.09](#) for the multifamily units and square footage of either commercial retail, office and/or eating and drinking establishment and an eight foot multi-use trail.



ADJACENT PROPERTY DETAILS

Surrounding Zoning Dist. and Future Land Use

North: No Street

Zoning: County Light Industrial (LI)

Future Land Use: County Industrial (I)

South: North Roberts Rd

Zoning: County General Commercial (GC), County Low Rise Office District (LRO) and County Heavy Industrial (HI)

Future Land Use: County Community Activity Center (CAC) and County Industrial (I)

East: No Street

Zoning: County Light Industrial (LI)

Future Land Use: County Industrial (I)

West: Old 41 Hwy

Zoning: County General Commercial (GC), County Tourist Service District (TS)

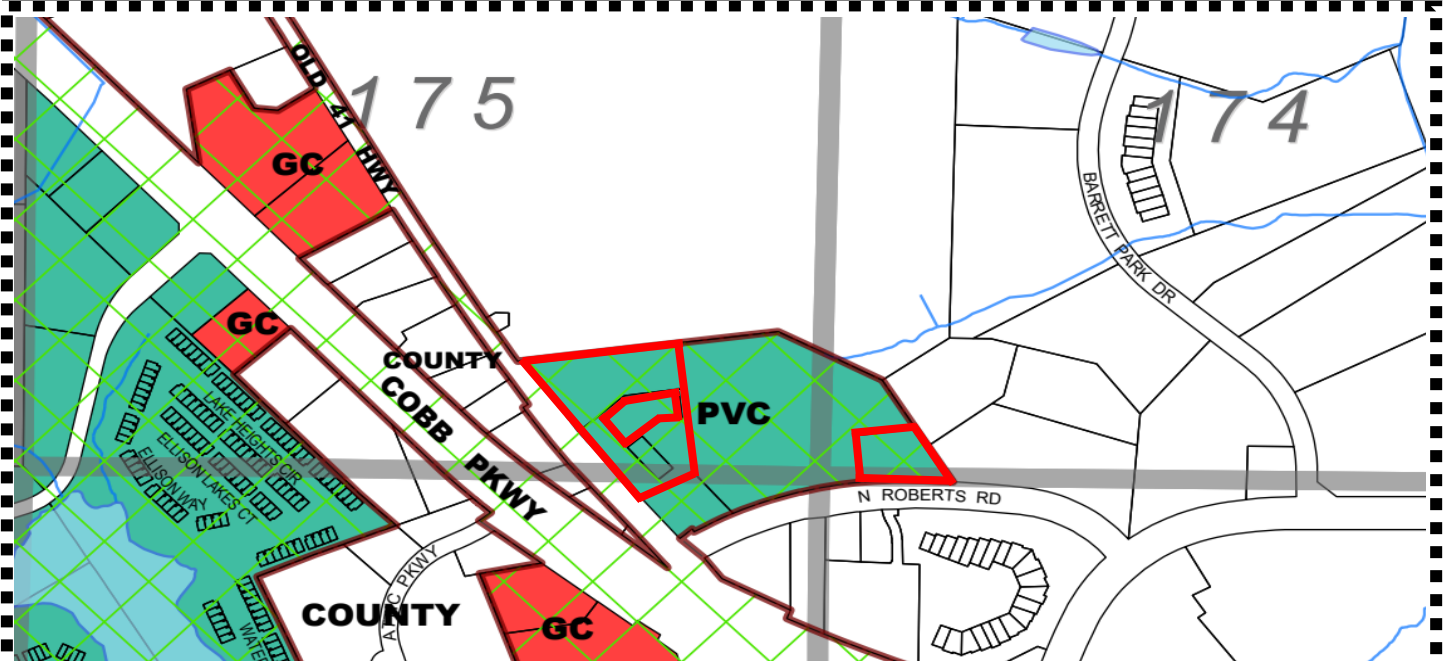
Future Land Use: County Industrial (I), County Community Activity Center (CAC)

[Please see pages 4 for zoning map.](#)



= Approximate project location

ZONING MAP



LEGEND

Zoning Districts

NRC	PUD-R	R-20	RA-6
CBD	HGB	NS	PVC
R-30	RM-8	CRC	HI
OI	R-10	R-40	RM-12
FST	LI	PBSH	R-12
RA-4	RM-16	GC	MHP
PSC	R-15	RA-5	UVC

Form Based Code

Open Space
T-3
T-4L
T-4O
T-5

Zoning Overlays

Airport Hazard District
Conservation Subdivision
Historic Districts
Historic Preservation Village
Senior Living

Other Features

Acworth City Limits
Kennesaw City Limits
Kennesaw Mtn Nat'l Battlefield
Land Lots (139)
Marietta City Limits

The parcels were rezoned from General Commercial (GC) to Planned Village Community (PVC) in 2018. The Planned Village Community district is intended to create a vibrant, pedestrian-friendly commercial area within a village setting. The intent is to promote a mix of retail, dining and service businesses that fosters economic development and balances commercial needs with community focused development.

Per the [section 2.01.04](#) of the Unified Development Code, (1) Projects within the PVC should be designed to compact unified retail centers within the center of the community. (2) Projects developed within the PVC should occupy a quadrant of an intersection and only ingress and egress from a major or collector street or state highway. (3) Additionally, the desired quadrant location will provide for planned developments, one destination shopping, and service locations to serve [the] community, and to minimize traffic congestion.

STAFF ANALYSIS REPORT



ZONING CASE #: RZ2024-04

DESCRIPTION OF ZONING REQUEST

This is a rezoning amendment request to amend the zoning conditions approved under ordinances #2018-10 and #2022-09, specifically eliminating the ground floor commercial requirement and placing the remaining 12,000 sq. ft. of required retail along N. Roberts Rd. The project would eliminate the two office condominium buildings consisting of 9,750 sq. ft.

PROJECT DETAILS

PROPOSED MULTI-FAMILY

Number of Apartment Units: 120

Average Unit Size: 954 SF

Number of Floors: 4

PROPOSED OFFICE RETAIL

12,000 sq. ft. (consists of four 3,000 sq. ft suites)

PROPOSED PARKING DETAILS

Residential - 189 spaces (1.58 space/unit)

Retail Area - 50 spaces (1/200 SF)

Overflow Parking - 7 spaces

PROPOSED TRAIL

8-foot multi-use path

EXISTING COMMERCIAL

10,000 sq. ft. of retail

PROPOSED UNIT COUNT AND AVG. SIZES

# UNITS	BEDROOMS	AVG SF *
64	1-Bedroom	754 SF
48	2-Bedrooms	1,143 SF
8	3-Bedrooms	1,449 SF
120 Units Total		1,115 SF

* Sq. ft. of Heated Space

Pre-Application Meeting

August 15, 2024

Application Submitted

September 19, 2024

Fees Paid

\$375.00

Certified Letters Mailed

October 17, 2024

PROPERTY DETAIL #1

Address: 2112 Old 41 Highway

Parcel ID: 20017501210, 20017500210,

20017501200

Acres: +/- 2.02

Property Owner: JLV KENNESAW MIXED USE LLC

Current Zoning: PVC

PROPERTY DETAIL #2

Address: 2114 Old 41 Highway

Parcel ID: 20017501190

Acres: +/- 2.27

Property Owner: JLV KENNESAW CROSSING LLC

Current Zoning: PVC

PROPERTY DETAIL #3

Address: 1620 N. Roberts Rd

Parcel ID: 20017400080

Acres: +/- 1.10

Property Owner: JLV KENNESAW MIXED USE LLC

Current Zoning: PVC

EXISTING SITE CONDITIONS

The construction of the multi-family known as "The Ellison" was completed in 2021; the project consisted of 3 four story buildings totaling 250 units with singular access from N. Roberts Rd. The same year the construction of a 10,000 sq. ft. retail building was completed on parcel fronting Old 41 Hwy. The site consists of a total of 482 parking spaces; 414 parking spaces for the residential units and 68 for the retail/restaurant component of the project.

SITE SURVEY (MULTI-FAMILY DEVELOPMENT)

ZONING CASE #: RZ2024-04



PROPOSED SITE PLAN - RETAIL BUILDING

ZONING CASE #: RZ2024-04



PROPOSED RENDERING (PAGE 1 OF 5)

ZONING CASE #: RZ2024-04

REVISIONS	
NO.	DESCRIPTION
1	REVISION: 1.0 - INITIAL DESIGN
2	REVISION: 2.0 - REVISED DESIGN
3	REVISION: 3.0 - REVISED DESIGN
4	REVISION: 4.0 - REVISED DESIGN
5	REVISION: 5.0 - REVISED DESIGN



1 BUILDING TYPE 460 FRONT ELEVATION
1/8" = 1'-0"



2 BUILDING TYPE 460 REAR ELEVATION
1/8" = 1'-0"

EXTERIOR FINISH SCHEDULE	
NO.	DESCRIPTION
1	CONCRETE
2	BRICK
3	STUCCO
4	WOOD SHAKES
5	CLAY TILE
6	GLAZED TERRAZZO
7	GLAZED TERRAZZO
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100	GLAZED TERRAZZO

EXHIBIT B

PROPOSED RENDERING (PAGE 2 OF 5)

ZONING CASE #: RZ2024-04



PROPOSED RENDERING (PAGE 3 OF 5)

ZONING CASE #: RZ2024-04

REVISIONS	
NO.	DESCRIPTION
1	ISSUED FOR PERMIT
2	REVISIONS TO PERMIT
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10	REVISIONS TO PERMIT



1 BUILDING TYPE 460 L FRONT ELEVATION
1/8" = 1'-0"



2 BUILDING TYPE 460 L REAR ELEVATION
1/8" = 1'-0"

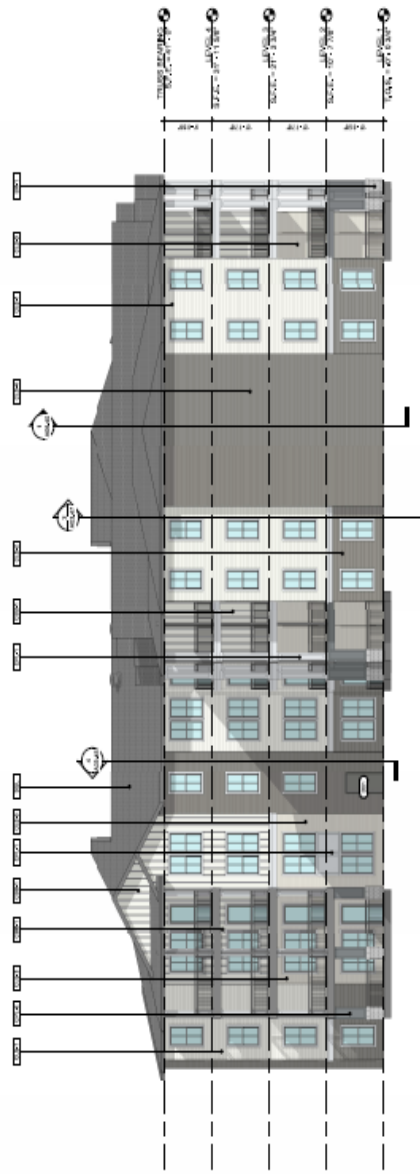
EXTERIOR FINISH SCHEDULE	
NO.	FINISH
1	CONCRETE
2	BRICK
3	STUCCO
4	CLAY TILE
5	SLATE
6	ASPH/FLT
7	WOOD
8	GLASS
9	IRON
10	COPPER
11	ALUMINUM
12	STEEL
13	PAINT
14	PLASTER
15	CEMENT
16	GRASS
17	LANDSCAPE
18	WATER
19	ELECTRIC
20	MECHANICAL
21	PLUMBING
22	HEATING
23	Cooling
24	Lighting
25	Acoustics
26	Security
27	Accessibility
28	Fire Protection
29	Life Safety
30	Other

PROPOSED RENDERING (PAGE 4 OF 5)

ZONING CASE #: RZ2024-04



1 BUILDING TYPE 450 L SIDE 1 ELEVATION
1/8" = 1'-0"



2 BUILDING TYPE 450 L SIDE 2 ELEVATION
1/8" = 1'-0"

REVISION	DATE	DESCRIPTION
1	01/15/2024	ISSUED FOR PERMIT
2	01/15/2024	ISSUED FOR PERMIT
3	01/15/2024	ISSUED FOR PERMIT
4	01/15/2024	ISSUED FOR PERMIT

EXTENSION NOTES	
1	REVISION 1: 01/15/2024
2	REVISION 2: 01/15/2024
3	REVISION 3: 01/15/2024
4	REVISION 4: 01/15/2024
5	REVISION 5: 01/15/2024
6	REVISION 6: 01/15/2024
7	REVISION 7: 01/15/2024
8	REVISION 8: 01/15/2024
9	REVISION 9: 01/15/2024
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50	REVISION 50: 01/15/2024

PROPOSED RENDERING (PAGE 5 OF 5)

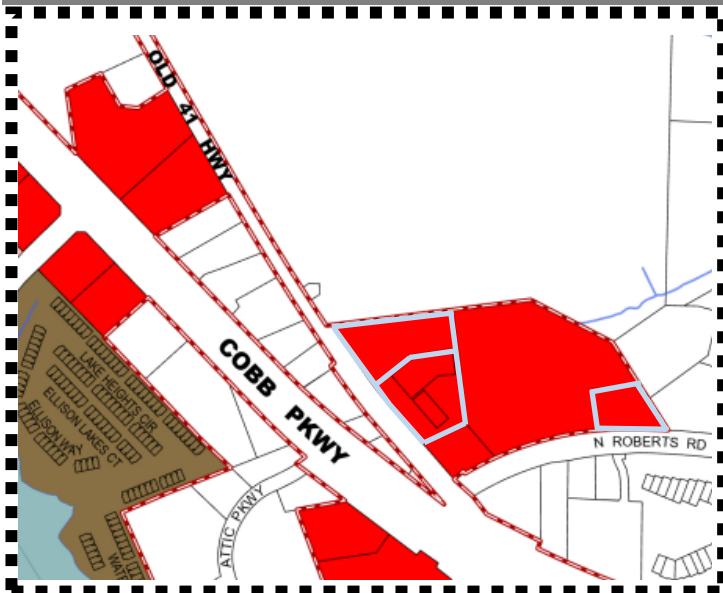
ZONING CASE #: RZ2024-04



STAFF ANALYSIS REPORT

ZONING CASE #: RZ2024-04

2022 COMPREHENSIVE PLAN - AREAS



LEGEND

-  NAC - Neighborhood Activity Center
-  CAC - Community Activity Center
-  DAC - Downtown Activity Center
-  RAC - Regional Activity Center
-  RL - Residential Low/Medium

FUTURE LAND USE CATEGORY

CAC—COMMUNITY ACTIVITY CENTER

These areas provide services to the community but are not as intense as the Regional Activity Center.

FUTURE LAND USE ANALYSIS

The Comprehensive Plan designates the subject property to the property as Community Activity Center (CAC). The Community Activity Center category aims to meet the immediate needs of several neighborhoods or communities. Encouraged land uses include low to medium intensity office, retail, and commercial services. Community Activity Center land uses are primarily located adjacent to Cobb Parkway with a portion of the Moon Station Road included. Cobb Parkway is home to retail and commercial uses, including strip mall retail centers, automobile services, restaurants and motels.

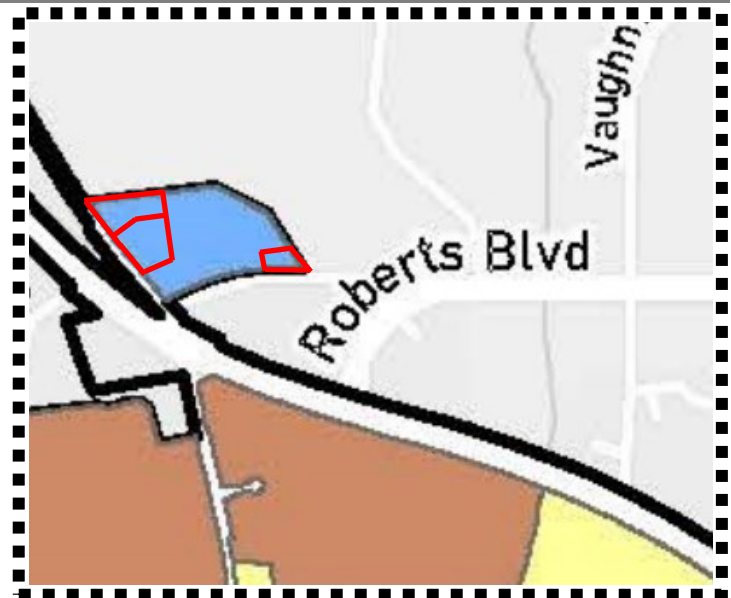
STAFF ANALYSIS REPORT

ZONING CASE #: RZ2024-04

2022 COMPREHENSIVE PLAN UPDATE

Kennesaw Areas

- Barrett and Old 41
- Campus Living
- Cherokee Street Commercial Corridor
- Cobb International Industrial Corridor
- Cobb Parkway Commercial Corridor
- East Pine Mountain Revitalization
- Historic Central Business District
- In-Town Living
- Jiles and Baker
- Kennesaw Due West
- Kennesaw Marketplace
- McCollum Industrial Corridor
- Moon Station Industrial Corridor
- North Cherokee



AREA DESIGNATION

COBB PARKWAY COMMERCIAL CORRIDOR

The Cobb Parkway Commercial Corridor is the most significant commercial corridor in Kennesaw. This approximately two-mile-long section of highway runs southeast to northwest through the lower third of the city limits. The corridor's appearance and function has been affected by vacant structures or structures that are in disrepair. Generally, there are no unifying architectural features, gateways or impressionable spaces or buildings that identify this corridor with a unique sense of place that is characteristic of Kennesaw; however, several segments of this corridor show promise.

AREA DESIGNATION ANALYSIS

The site is located within the Cobb Parkway Commercial Corridor. According to the Area Policy Matrix outlined in the Comprehensive Plan, development in this area should encourage redevelopment projects on multi-parcel basis, encourage a diverse mix of products and services and maintain adequate building and landscaping setbacks that promotes safety and market visibility. The project proposed eliminating the office component of the development and shifting the placement of the retail component from Old 41 Hwy to N. Roberts Rd. The intent of a commercial corridor is to enhance economic development by creating a dynamic environment where businesses can thrive by providing accessible commercial spaces and promoting pedestrian-friendly spaces.

FUTURE LAND USE CATEGORIES

- Regional Activity Center (RAC)
- Commercial Activity Center (CAC)
- Industrial (I)

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2024-04

TRANSPORTATION DATA

ROAD #1	AERIAL OF ROAD #1
Roadway Name Old 41 Hwy Roadway Classification Arterials Speed Limit 45 MPH Jurisdictional Control City of Kennesaw Minimum Width of Right-of-Way requirement 100-feet	
ROAD #2	AERIAL OF ROAD #2
Roadway Name North Roberts Rd. Roadway Classification Minor Collectors Speed Limit 35 MPH Jurisdictional Control Cobb County Minimum Right-of-Way Requirement N/A	

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2024-04

ENVIRONMENTAL

Floodplain:

- ☐ Yes
☐ No
☒ Not Verified

Wetlands:

- ☐ Yes
☐ No
☒ Not Verified

Drainage Basin:

- ☐ None
☐ FEMA 100-year floodplain area
☐ Flood Damage Prevention Ordinance¹
☐ Project subject to Cobb County Damage Prevention Requirements
☐ Dam Breach Zone (Upstream)²
☐ Owner/Developer is responsible for obtaining any required wetland permits from the United States Army Corps of Engineers

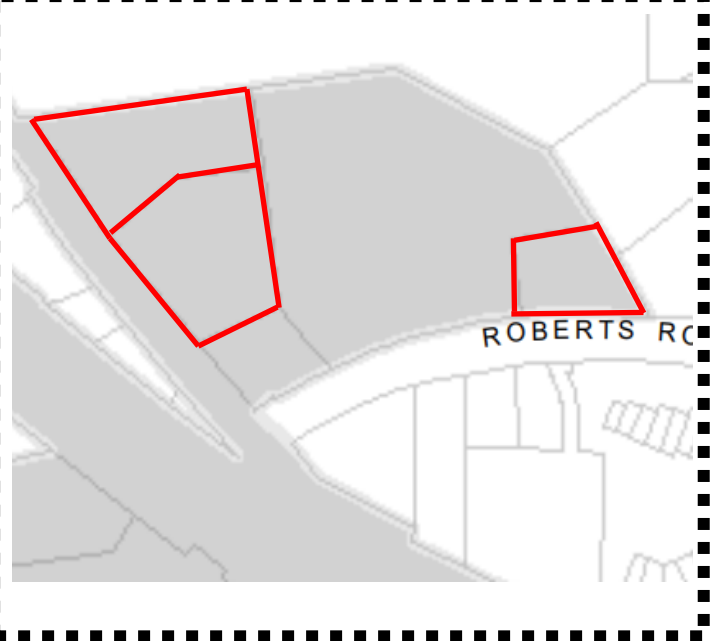
Streams and Creeks:

- ☐ Metropolitan River Protection Area³
☐ Chattahoochee River Corridor Tributary Area⁴
☐ Georgia Erosion-Sediment Control Law and County Ordinance⁵
☐ Georgia DNR Variance for work being done in 25-foot stream bank buffers (may be required)
☐ City Stream Buffer Required
☒ No Stream Buffer Required

Public Works Comments:

See page 28 for comments from Public Works.

FEMA FLOOD ZONE MAP



Special Flood Hazard Areas

2018 Flood Zones

- AE
- AE, FLOODWAY
- X, 0.2 Pct Annual Chance
- Land Lots
- Kennesaw City Limits
- Subject Property

ADDITIONAL COMMENTS REGARDING PROJECT:

- Developer may be required to install/upgrade water mains based on fire flow test results or Fire Department code. This will be resolved in the plan review process.
- Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains and obtaining on and/or off site easements, dedication of on and/or off site water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.
- Applicant will be responsible to meet all City of Kennesaw Development & Zoning Ordinance Standards, State, County and applicable Federal regulations as part of the plan review approval process. All conceptual representations submitted with the application and acted on by Mayor and Council does not relieve applicant and property owners from meeting all development standards.

1. Designated flood hazard
2. Need to keep residential buildings out of hazard.
3. Within 2000-feet of the Chattahoochee River. ARC review 35-feet undisturbed buffer each side of waterway.
4. Cobb County review (___-feet undisturbed buffer on each side)
5. State of Georgia and Cobb County review.

STAFF ANALYSIS REPORT



ZONING CASE #: RZ2024-04

ORDINANCE #2022-09 (PAGE 1 OF 11)

**CITY OF KENNESAW
GEORGIA**

ORDINANCE NO. 2022-09, 2022

**AN ORDINANCE TO AMEND
CONDITIONS OF REZONING UNDER ORDINANCE #2018-10, 2018
FOR THE PROPERTIES LOCATED AT 2112 & 2114 OLD 41 HIGHWAY
(LAND LOT 175 TAX PARCELS 21, 119 & 121)**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KENNESAW,
COBB COUNTY, GEORGIA, AS FOLLOWS:**

WHEREAS, VARNER DEVELOPERS, have submitted an application to amend conditions of rezoning under ordinance #2018-10, 2018 for the properties located at 2112 Old 41 Highway (20017500210), 2112 Old 41 Highway (20017501210) and 2114 Old 41 Highway (20017501190, identified as Land Lot 175 and Tax Parcels 21, 119 & 121 (as more particularly described below). The amendment is to eliminate any mention of a hotel component and replace it with a Mixed-Use Development of approximately 4.316 +/- acres; and

WHEREAS, notice was advertised in the Marietta Daily Journal on October 14, 2022 and October 21, 2022, of a public hearing before the Kennesaw Planning Commission held on November 2, 2022 and the Mayor and Council on November 21, 2022 and;

WHEREAS, the Kennesaw Planning Commission held a public hearing on this proposal at a meeting held on November 2, 2022 and;

WHEREAS, the Mayor and Council held a public hearing to consider this proposal at a meeting held on November 21, 2022

WHEREAS, the Mayor and Council have determined that the proposed amendment to the Official Zoning Map is in the public interest and meets the standards established in the Kennesaw Zoning Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE
CITY OF KENNESAW, COBB COUNTY, GEORGIA, AS FOLLOWS.**

SECTION 1. The Official Zoning Map of the City of Kennesaw, Georgia is hereby amended so as to change the previously approved zoning conditions under ordinance #2018-10, 2018 to eliminate any mention of a hotel component and replace it with a Mixed-Use Development of approximately 4.316 +/- acres for the following described property:

LEGAL DESCRIPTION OF TOTAL SITE

STAFF ANALYSIS REPORT



ZONING CASE #: RZ2024-04

ORDINANCE #2022-09 (PAGE 2 OF 11)

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 174, 175, 206 & 207 of the 20th District, City of Kennesaw, Cobb County, Georgia and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, commence from a point at the intersection of the northwesterly right-of-way line of North Roberts Road (Variable R/W) with the northeasterly right-of-way line of Old Highway 41 (Variable R/W); thence along said right-of-way line of Old Highway 41 North 41 degrees 0 minutes 19 seconds West a distance of 175.00 feet to a point and the TRUE POINT OF BEGINNING, from the TRUE POINT OF BEGINNING as thus established; thence continue Northwesterly along said right-of-way line North 41 degrees 0 minutes 19 seconds West a distance of 228.69 feet; thence 225.84 feet along an arc of a curve to the right, said curve having a radius of 1,730.66 feet and a chord bearing and distance of North 37 degrees 9 minutes 39 seconds West 225.68 feet to a point; thence North 33 degrees 56 minutes 58 seconds West a distance of 204.43 feet to a point; thence leaving said right-of-way line North 82 degrees 49 minutes 6 seconds East a distance of 517.77 feet to a point; thence North 82 degrees 49 minutes 6 seconds East a distance of 330.25 feet; thence South 62 degrees 34 minutes 4 seconds East a distance of 399.48 feet to a point; thence South 32 degrees 12 minutes 32 seconds East a distance of 436.81 feet to a point on said right-of-way line of North Roberts Road; thence along said right-of-way line the following courses and distances: North 87 degrees 10 minutes 20 seconds West a distance of 40.43 feet to a point; thence North 88 degrees 37 minutes 55 seconds West a distance of 127.46 feet to a point; thence 585.79 feet along an arc of a curve to the left, said curve having a radius of 1,334.05 feet and a chord bearing and distance of South 78 degrees 0 minutes 15 seconds West 581.09 feet to a point; thence North 41 degrees 22 minutes 57 seconds West a distance of 175.98 feet to a point; thence South 62 degrees 41 minutes 20 seconds West a distance of 197.70 feet to a point and the TRUE POINT OF BEGINNING.

Said tract containing 13.52 acres more or less.

SECTION 2. BE IT FURTHER ORDAINED THAT the amendment to the Official Zoning Map outlined in Section 1 above is adopted to change the zoning conditions under ordinance #2018-10, 2018 with the following stipulations adhered to with this rezoning as follows:

STIPULATION AMENDMENT OVERVIEW

All zoning stipulations under ordinance #2018-10 shall remain in effect; however, any reference to a hotel shall be replaced with a Mixed-Use Development of approximately 4.316 +/- acres, referred to as "Mixed-Use Development (4.316 +/- acres)" and consists of the following:

1. Multi-family residential of type IIIA construction with a maximum number of 208 units with the average unit size consisting of 975 square feet.
2. A minimum of 12,000 square feet of ground floor retail commercial
3. Outdoor plaza spaces as shown on the site plan prepared by Niles Bolton Associates and dated on October 19, 2022.

STAFF ANALYSIS REPORT



ZONING CASE #: RZ2024-04

ORDINANCE #2022-09 (PAGE 3 OF 11)

4. A minimum of 6,000 square feet for leasing and amenity space for the multi-family residential.
5. A parking deck with enough spaces to meet the minimum standards found in section 6.06.09 for the number of multi-family units and the square footages of either commercial retail, office and/or eating and drinking establishments. Surface parking, as shown on the site plan, may count towards meeting this requirement.
6. Pedestrian access points connecting the proposed mixed-use development with the existing multi-family apartments.
7. An eight-foot multi-use trail.

Varner Developers and FedEx shall come to an agreement on how to reduce or eliminate any chance of noise and light pollution from the FedEx facility spilling over onto the proposed Mixed-Use Development to ensure protection of all parties involved.

STIPULATIONS APPLICABLE TO THE OVERALL MIXED-USE DEVELOPMENT

1. The revised stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions in whatsoever form, which are currently in place concerning the Subject Property.
2. Varner Developers seek to rezone the Subject Property from GC to PVC in order to allow for the development and construction of a Mixed-Use Development in substantial conformity to the current revised site plan prepared by Planners and Engineers Collaborative, which is being submitted concurrently herewith.
3. The Subject Property consists of an approximate 13.52-acre tract of land, which shall be developed as a Mixed-Use Development including the components mentioned below with ancillary and permitted uses allowed under and pursuant to the PVC Zoning District, as follows:
 - a. A four-five story Hotel which will accommodate approximately 140 guest rooms with associated parking and commensurate amenities. A Mixed-Use Development (4.316 +/- acres) including the components mentioned above with ancillary and permitted uses allowed under and pursuant to the PVC Zoning District.
 - b. Two (2) one-story Class "A" Retail buildings consisting of a total amount of approximately 22,000 sq. ft. of Retail Commercial Space.
 - c. Three (3) four-five story Multi-Family buildings consisting of a total number of 274 Class "A", highly amenitized luxury Multi-Family homes.
 - d. Two (2) Office Condominium buildings consisting of a total 9,750 sq. ft. and consisting of approximately seven (7) Office Condo units ranging from 1,250 sq. ft. to 1500 sq. ft.
 - e. The positioning of future pedestrian connectivity to the Noonday Trail and other City and/or TCCID-planned pedestrian linkage and infrastructure.
4. Varner Developers shall be the Master Developer and will be involved with all aspects of the development including, but not limited to, all of the components located therein.
5. Concurrently with the issuance of final Certificates of Occupancy regarding the Multi-Family component, Varner Developers shall secure permits and commence the vertical construction of at least one of the two proposed retail buildings regarding the proposed Retail component as shown on the revised site plan.

STAFF ANALYSIS REPORT



ZONING CASE #: RZ2024-04

ORDINANCE #2022-09 (PAGE 4 OF 11)

In addition, prior to the issuance of the final Multi-Family Certificates of Occupancy for the Multi-Family Development (4.316 +/- acres), Varner shall update the Master Protective Covenants for the Mixed-Use Development which shall include all phases. The Master Association will ultimately be responsible for the oversight, upkeep and maintenance of all entrance areas, common areas, community buildings and structures, open space areas, pedestrian connectivity and similar features contained within the overall Mixed-Use Development.

Varner Developers, shall guarantee (up to \$150,000.00) of the sums necessary for the demolition of the entirety of the shopping center, either within twenty-four (24) months from the Rezoning/Entitlement and/or prior to the issuance of Certificates of Occupancy regarding the Multi-Family component, whichever occurs first. If, for whatever reason, Varner Developers does not demolish the entirety of the existing shopping center within that time frame, then the City of Kennesaw shall be authorized to demolish the totality of the shopping center and place a lien on the retail and hotel components in an amount commensurate with the costs of demolition and associated remedial costs.

Varner Developers, upon the rezoning and entitlement of the Subject Property, either within twenty-four (24) months from the date of approval or prior to the issuance of Final Certificate of Occupancy permits for the Multi-Family component, whichever event first occurs, shall provide the City of Kennesaw with documentation which confirms that binding agreements with all existing tenants are in place reflecting the fact that the tenants' respective leases will terminate within a time frame which ensures that the entire shopping center (which solely references the multi-tenant building and NOT Hooter's Restaurant) will be demolished in its totality.¹

6. Prior to the issuance of the final Multi-Family Certificate of Occupancy, Varner Developers shall submit Master Protective Covenants for the Mixed-Use Development, which shall include all phases. Currently therewith, Master Association documents shall be submitted which will include all components of the proposed development. The Master Association will ultimately be responsible for the oversight, upkeep and maintenance of all entrance areas, common areas, community buildings and structures, Open Space areas, pedestrian connectivity and similar features contained within the overall Mixed-Use Development.
7. The Master Association shall have Architectural Design Regulations and other usual and customary Covenants and Restrictions to protect the quality and integrity of the Mixed-Use Development's architecture.
8. The architectural style and composition regarding the Mixed-Use Development shall be in reasonable conformity to the architectural renderings/elevations/photographs (depicting all components) which were submitted concurrently with the Applications on April 26, 2018 and May 1, 2018, respectively.

In addition, the architectural style and composition regarding the Mixed-Use Development (4.316 +/- acres) shall be in reasonable conformity to the architectural renderings/elevations/photographs (depicting all components) which were submitted concurrently with the Application on September 16, 2022. However, Varner will submit (under separate cover) renderings/elevations ("Imagery") depicting the

STAFF ANALYSIS REPORT



ZONING CASE #: RZ2024-04

ORDINANCE #2022-09 (PAGE 5 OF 11)

architectural style and composition of the vertically-integrated components as seen from Old 41 Highway.

¹ The shopping center which is currently located on the Subject Property has experienced deferred maintenance, upkeep and attention. Many of its tenants operate businesses which are problematic on various levels and which, generally, do nothing to aesthetically enhance the Subject Property which is considered a "Gateway" to the City of Kennesaw.

In addition to the foregoing, the Multi-Family component's architectural style and composition (both interior and exterior) shall be in reasonable conformity to the photographs and additional imagery, which were submitted under separate cover on May 29, 2018.

9. Varner Developers agree to construct all of the necessary roadways and infrastructure improvements as more particularly shown and reflected on the current revised site plan. Additionally, Varner Developers agree to comply in all respects with the City's specifications concerning such infrastructure improvements, which are interior to the Mixed-Use Development.
10. Entrance signage shall be ground-based, monument-style signage with finish, materials and colors being in substantial conformity to the architectural style embodied in the Mixed-Use Development. Said signage may include building-attached, vertical marquee signage and other signage allowed under and pursuant to the City of Kennesaw Sign Ordinance. There shall be no temporary signs except for "Grand Opening" signage and signage indicating the coming development.
11. The entrance areas of the Mixed-Use Development shall be professionally designed, landscaped, maintained, irrigated and themed to the architectural style and composition of the proposed development.
12. Lighting with the proposed Mixed-Use Development shall be environmentally sensitive, decorative and themed to the architectural style and composition of the respective components of the development. Every effort shall be made to make all lighting as unobtrusive as possible.
13. All setback and buffer areas may be penetrated for purposes of grading, detention, utilities and storm water management as long as such encroachments satisfy City of Kennesaw developmental regulations and requirements.
14. All streets within the interior of the proposed Mixed-Use Development shall be private and shall be owned and maintained by Varner Developers and/or its successors in title and responsibility.
15. The granting of the following concurrent variances:
 - a. A reduction in the required parking spaces for high-rise Multi-Family luxury homes from 2.0 spaces per unit to 1.59 spaces per unit, which provides a minimum parking space count of 436 spaces.
 - b. A waiver of overall required parking spaces (parking ratio requirements) within the balance of the subject property to be reduced from 867 total spaces to 710 total spaces (a 6% reduction in required parking).
 - c. A reduction of the major side setback from twenty-five feet (25') to twenty feet (20').

STAFF ANALYSIS REPORT



ZONING CASE #: RZ2024-04

ORDINANCE #2022-09 (PAGE 6 OF 11)

According to the Project's Multi-Family Developer and consistent with other information gleaned from the operational aspects of Multi-Family Communities in general, a parking ratio of 1.4 - 1.7 parking spaces per unit is sufficient for Multi-Family residents and guests. More specifically, Newport Developer Partners, LLC ("Newport") has stated that its last two Urban Multi-Family Communities were parked at 1.4 -1.41 parking spaces per unit, respectively. Newport's latest surfaced parked developed property is Aldridge Town Village, which is located just north of Town Center Mall. The parking ratio at that particular property is 1.50 for a Multi-Family Luxury Home Development at a density of 30 units per acre.

Ideally, the Multi-Family parking ratios which Newport currently uses provide 1.5 spaces for 1 bedroom homes, 1.75 spaces for 2 bedroom homes and 2.0 spaces for 3 bedroom homes. With Newport's anticipated mix of homes, that yields an overall ratio of 1.63 parking spaces per unit; however, alternatively, Newport also uses a ratio of 1.0 space per bedroom, which results in a 1.50 parking ratio per unit for its anticipated mix.

Evidently, current market indicators and trends are pointing in the direction of less parking rather than more parking particularly in light of ride services (such as Uber, Lyft, etc.) proliferating and the notable aversion of "millennials" concerning the ownership of cars makes sense of having less parking spaces for the overall development and less parking for the Multi-Family Community. Therefore, rather than establishing a "hardship" in connection with the granting of the requested parking ratio variances, it is important to note that the granting of said variances will not set an adverse precedent (and, in fact, are pointing the other way to the future) and do not impair the purpose, spirit and intent of the City's Zoning Ordinance regarding parking ratio requirements.²

16. Notwithstanding anything herein to the contrary, the maximum number of residential units shall not exceed 274 units and no more than 208 units for the proposed 4.316 +/- acre Mixed-Use Development.

17. Minor modifications to the within and foregoing stipulations/conditions, lighting, landscaping, signage, architecture, site fixtures and the like may be approved by the City's Planning and Zoning Administrator or his designee as needed or necessary.

18. In the event that Varner Developers does not close on the Subject Property; is determined to be undevelopable by Varner Developers; or, if at least one (1) developmental permit is not issued within a twenty-four (24) month period from the date of approval by the Mayor and City Council then the Subject Property's zoning classification shall revert to its current classification of GC without further action by the City of Kennesaw or the owner of the Subject Property.

19. Compliance with recommendations from the Manager of Cobb County International Airport ("McCollum Field") with respect to the height of buildings and construction equipment (such as cranes, etc.) utilized in connection with the construction of the Mixed-Use Development.

20. Recognizing the complexity, costs and developmental challenges associated with the development of Kennesaw Crossing, the City has indicated that it will consider

STAFF ANALYSIS REPORT



ZONING CASE #: RZ2024-04

ORDINANCE #2022-09 (PAGE 7 OF 11)

subsequent requests by Varner Developers, together with supporting documentation and evidence to sufficiently demonstrate:

- i. "But -for" the requested incentives, Varner Developers' project would have difficulty going forward;
- ii. Positive economic impact for the City of Kennesaw; and,

² Without a doubt, the consensus among Multi-Family Developers is that parking problems are untenable with the result being that proximity to the targeted demographics' luxury Multi-Family residences is much more important than the extra parking which historically goes unused. Finally, the positioning, configuration and number of parking spaces is a critical design issue inherent with all High-End Multi-family Communities and the Developers of those Communities.

- iii. Any other such material as may be reasonably required by the City of Kennesaw. However, nothing contained herein shall be construed to legally obligate the City of Kennesaw to provide any incentives for Varner Developers' proposed project.

21. Varner Developers agree to voluntarily convey and donate an easement in perpetuity to allow the construction of the Multi-Use Trail as shown on the revised site plan submitted concurrently herewith in order to ensure connectivity between Old Highway 41 and North Roberts Road, traversing the Subject Property, in order to ultimately connect to the Noonday Creek Trail System.

STIPULATIONS APPLICABLE TO THE NON-RESIDENTIAL COMPONENTS OF THE PROPOSED MIXED-USE DEVELOPMENT

1. Varner Developers propose a Hotel a Mixed Use Development (4.316 +/- acres) as stated verbatim in the "Stipulations Amendment Overview" section, Retail and Office Condo Space by utilizing the Mixed-Use Concept by varying facades, roof elevations and other aesthetically pleasing treatments in substantial conformity to the architectural renderings/elevations/ photographs & other imagery which were mentioned hereinabove and is attached.
2. The architectural style and composition shall be substantially similar to the architectural renderings/elevations and imagery or as may be approved during the Plan Review Process. It is understood that said architectural imagery is conceptual in nature and shall be refined, clarified and focused as the Mixed- Use Development proceeds through the Plan Review Process. Additionally, it is also understood that the positioning of certain components of the architecture; for example, windows, and patios and other such features, etc. may be revised during the final Plan Review Process as well.
3. The proposed Non-Residential components shall include a flexible mix of Hotel, a Mixed Use Development (4.316 +/- acres), Commercial, Retail and Office Space which will also include ancillary Commercial type uses for the Multi-Family Residential component (consisting of Leasing Offices, Recreational Amenities, Business Center, etc.).
4. Landscaping for the proposed development shall be pursuant to a specific landscape plan, which shall be submitted during the Plan Review Process, with reference being

STAFF ANALYSIS REPORT



ZONING CASE #: RZ2024-04

ORDINANCE #2022-09 (PAGE 8 OF 11)

- made to said landscape plan for more particular delineation and location of the plantings and species to be planted.
5. Parking area lighting shall be a maximum height of thirty feet (30') and shall be environmentally sensitive, energy efficient, horizontal cut-off luminaries, which will eliminate light pollution in order to prevent illumination from penetrating outside of the boundaries of the Subject Property.
 6. Hooded security lighting shall be utilized on the buildings within the Non-Residential areas as required by Kennesaw Developmental Regulations.
 7. Varner Developers agree to install and construct site lighting to a site lighting/ photometric plan, which shall be submitted to the City Staff for review and approval during the Plan and Review Process.
 8. Dumpsters will be positioned so as to prevent visual intrusion from streets, connection points to the community spaces and, wherever possible with screening by landscaping, walls and/or vegetation. Dumpsters shall have rubber lids and bumpers to minimize noise during their emptying. At grade trash compaction shall also be allowed and screened as appropriate.
 9. Any exhaust from restaurant facilities, which may be constructed, shall be filtered and/or attenuated to minimize odors.
 10. There shall be no outdoor paging system, phone bells or loud speakers. However, outdoor music systems and outdoor musical performances shall be allowed.
 11. The following uses shall be prohibited:
 - a. Video arcades as a primary use.
 - b. Adult themed book and novelty stores as a primary use.
 - c. Automotive sales, repair and/or service facilities.
 - d. Movie theaters.
 - e. Gas stations and convenience stores with gas sales.
 - f. Pawn shops.
 - g. Automotive wash service.
 - h. Boat sales and repairs.
 - i. Boarding and breeding kennels.
 - j. Dry cleaning plants.
 - k. Farm equipment sales and service.
 - l. Lumber, hardware and other building material establishments.
 - m. Mobile home and travel trailer sales.
 - n. Motorcycle sales and service.
 - o. Check cashing establishments.
 - p. Service stations.
 - q. Station terminals for bus and/or rail passenger service.
 - r. Taxi stands.
 - s. Tattoo parlors.
 - t. Massage parlors.
 - u. Pool halls.
 - v. Package stores (except within the context of wine/spirits sold in a market or specialty shop).
 12. The Non-Residential components will include pedestrian walkways between the proposed buildings and throughout the parking area subject to review and approval by the City's Staff. There will be pedestrian connectivity between the Non-Residential and the Residential components, including sidewalks along the Subject Property's

STAFF ANALYSIS REPORT



ZONING CASE #: RZ2024-04

ORDINANCE #2022-09 (PAGE 9 OF 11)

respective frontages on North Roberts Road and Old Highway 41 and the use of a multi-use path/trail as shown on the revised site plan and as mentioned above.

STIPULATIONS APPLICABLE TO THE RESIDENTIAL (MULTI-FAMILY LUXURY HOMES) COMPONENT OF THE PROPOSED MIXED-USE DEVELOPMENT

1. Within the Residential area of the proposed Mixed-Use Development (9.0± acres) there shall be a total maximum number of 274 highly amenitized Class A Luxury Multi-Family Homes.

Within the Residential area of the proposed Mixed-Use Development (4.316 +/- acres) there shall be a total maximum number of 208 highly amenitized Class A Luxury Multi-Family Homes, in addition to the stipulations as outlined below.

2. The proposed Residential Community shall have state of the art recreational facilities and amenities for the use and enjoyment of its residents as follows:
 - a. Conveniently located pool area, which will include a clubhouse, which will feature a lounge and flex coffee-style bar area.
 - b. A fitness center which will be fully equipped and which shall contain a separate yoga studio.
 - c. An outside courtyard and connectivity to existing and planned pedestrian connectivity by virtue of multi-use sidewalks and TCCID's existing or proposed Circulator Route.
 - d. Bicycle racks and storage.
 - e. Pet spa and dog walk area.
 - f. Controlled/gated vehicular and pedestrian access.
3. Floor plans and finishes within the Multi-Family homes shall consist, at a minimum, of the following:
 - a. A minimum of 9 feet ceiling heights from floor to finished ceilings and greater and a minimum of 10 feet between floors.
 - b. Wood framed cabinetry or its equivalent.
 - c. Enhanced granite, Corian, marble or other solid surface countertops.
 - d. High-end appliances consistent with luxury apartment and condominium finishes.
 - e. Deep stainless-steel kitchen sinks.
 - f. Wood-inspired plank flooring throughout.
 - g. Spacious, open floor plans including spacious walk-in closets.
 - h. High-speed internet wiring in all units.
 - i. Upgraded lighting package throughout each unit.
 - j. Brushed nickel or chrome bathroom and kitchen fixtures.
 - k. Wood-inspired plank flooring in all bathrooms and laundry rooms. Also, tile tub surround and tile showers in select units.
 - l. Window treatments throughout the units to present a uniform appearance.
 - m. First class landscape and hardscape throughout the proposed developed.
 - n. Energy efficient construction, which will meet and exceed the Georgia Energy Code.
 - o. Double paned, insulated windows in all units; and
 - p. Controlled access to buildings, parking and amenity areas.

STAFF ANALYSIS REPORT



ZONING CASE #: RZ2024-04

ORDINANCE #2022-09 (PAGE 10 OF 11)

4. The leases concerning the luxury Multi-Family homes shall not include any provisions for indemnification, financial assistance or any other components requiring the signature of a Guarantor.
5. The overall lighting within the proposed development shall be environmentally sensitive, decorative and themed to the architectural style and composition of the buildings
6. Pedestrian lighting style and concept will be subject to review and approval by the Planning and Zoning Administrator during the Plan Review process. Additionally, hooded lighting shall be utilized on the buildings and throughout the walkways and surface parking areas.
7. Signage for the proposed development shall be ground-based, monument style and shall be constructed in the style and of the materials, which are complimentary to the proposed architecture as aforementioned and shall include vertical, building-attached marquee-type signage.
8. Compliance with recommendations from the City Engineer and Public Works Director with respect to hydrology, detention and downstream considerations.
9. Compliance with recommendations from the City Engineer and Public Works Director with respect to traffic and transportation issues. Additionally, compliance with the recommendations from the Traffic Assessment/Traffic Impact Study ("TIS") prepared by Calyx Engineers which was submitted under separate cover on May 29, 2018. Additionally, compliance with the following:
 - a. The construction of deceleration lanes and a dedicated and turning lanes as recommended by Calyx's TIS and based upon local City of Kennesaw standards.
 - b. Points of ingress/egress to the site with respect to turning movements shall follow the recommendations of Calyx Engineers with ultimate review and approval by the City of Kennesaw Staff.
10. All construction and employee vehicles and equipment will be parked and otherwise located on the Subject Property during the development of infrastructure and construction of the buildings unless agreements with adjacent property owners are negotiated.
11. Landscaping for the entrance area, signage areas, amenity and courtyard areas and all other common areas immediately surrounding the proposed buildings shall be professionally designed, implemented and maintained.³
12. All landscaping referenced herein shall be approved by the City of Kennesaw Arborist as a part of the Plan Review process and incorporated into the overall landscape plan for the proposed development.
13. All utilities servicing units within the proposed development shall be located underground.
14. Any retaining walls exposed to public rights-of-way or adjacent properties shall be faced with hard surfaced materials such as brick, stone, stacked stone and/or split-faced segmented block wall.
15. Any sidewalk, curb or guttering damaged or destroyed during construction shall be repaired or fully replaced during the completion of the project.

STAFF ANALYSIS REPORT



ZONING CASE #: RZ2024-04

ORDINANCE #2022-09 (PAGE 11 OF 11)

³ The Multi-Family luxury home Developer is Newport Developer Partners, LLC and its President/ CEO, Robert F. Krause, Jr. As he did as a Principal of Post Properties, Mr. Krause and Newport will ensure the installation of compelling landscaping including colorful seasonal plantings and indigenous vegetation.

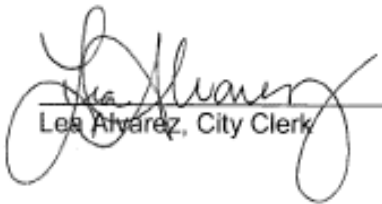
SECTION 3. BE IT FURTHER ORDAINED THAT it is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses, and phrases are severable, and if any section, paragraph, sentence, clause, and phrase are declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance.

SECTION 4. BE IT FURTHER ORDAINED THAT this Ordinance shall become effective from and after its adoption and execution by the Mayor, pursuant to Section 2.11 of the City Charter of the City of Kennesaw.

PASSED AND ADOPTED by the Kennesaw City Council on this 21st day of November 2022.

ATTEST:

CITY OF KENNESAW:


Lea Alvarez, City Clerk




Derek Easterling, Mayor

STAFF ANALYSIS REPORT



ZONING CASE #: RZ2024-04

PLANNING AND ZONING

Site Visit:

☒ Yes
☐ No

Staff Member:

Name: Chanelle Campbell
Date of Visit: 10/24/24

Land Use Recommendation:

Mixed – use development is compatible

Historic Preservation:

Not in the historic district

Cemetery Preservation:

No cemeteries on site; however site is located adjacent to the Roberts Cemetery in Cobb County.

Variance Approved in 2018 for the following:

- Reduction of parking from 2.0 to 1.59
- Reduction of overall parking for the entire site from 867 to 710 spaces
- Reduction of major side setback from 25 feet to 20 feet

DEPARTMENT COMMENTS

ENGINEERING:

No Comments

PUBLIC WORKS:

- Old Hwy 41 Improvement - per approved site plan in 2019, commercial site will include paving overlay Old 41 Hwy in required areas.

BUILDING SERVICES:

No Comments

COBB COUNTY FIRE:

None provided

COBB COUNTY WATER:

None provided

STAFF ANALYSIS:

The applicant, Fabric Housing Acquisition, LLC is requesting to amend the rezoning conditions on parcels 20017501190, 20017501210, 20017500210 & 20017400080. In 2018, Mayor and Council approved the rezoning of the parcels from General Commercial (GC) to Planned Village Community (PVC) with the intent of developing a mixed-used development. The proposal included a four-five story hotel, two (2) one story retail buildings consisting of approximately 22,000 sq. ft. retail commercial space, three (3) four-five story multi-family buildings consisting of 274 units and two (2) office condominium buildings consisting of a total of 9,750 sq. ft.

In 2022, the applicant received approval from Mayor and Council to amend the initial rezoning conditions eliminating the hotel stipulation from the development and replacing it with a mixed-used development to consist of:

1. Multi-family residential of type IIIA construction with a maximum number of 208 units with the average unit size consisting of 975 square feet.
2. A minimum of 12,000 square feet of ground floor retail commercial
3. Outdoor plaza spaces as shown on the site plan prepared by Niles Bolton Associates and dated on October 19, 2022. (Exhibit A, Please see page 31)
4. A minimum of 6,000 square feet for leasing and amenity space for the multifamily residential
5. A parking deck with enough spaces to meet the minimum standards found in section 6.06.09 for the number of multi-family units and the square footages of either commercial retail, office and/or eating establishments. Surface parking as shown on the site plan, may count towards meeting this requirement.
6. Pedestrian access points connecting the proposed mixed-use development with existing multi-family apartment.
7. An eight foot multi-use trail.

STAFF ANALYSIS REPORT



ZONING CASE #: RZ2024-04

The submitted application requests the elimination of ground retail from the proposed mixed used development fronting Old 41 Hwy and the relocation of the required 12,000 sq. ft. retail component to parcel with frontage on N. Roberts Rd. The new proposal includes eliminating the two office condominium buildings totaling 9,750 sq. ft. and reducing the number of proposed multifamily units from 208 to 120, with an average unit size of 954 sq. ft.

Old 41 Hwy falls within the Cobb Parkway Commercial Corridor intended to enhance economic development by creating a dynamic environment where businesses can thrive by providing accessible commercial spaces and promoting pedestrian-friendly spaces. The corridor aims to provide accessible commercial spaces and promote pedestrian-friendly areas. It is characterized by multi-parcel redevelopment projects that encourages a diverse mix of products and services while maintaining adequate building and landscaping setbacks to promote safety and market visibility.

Historically, the development pattern along both Cobb Parkway and Old 41 Hwy has been commercial, with office and retail services fronting both sides of these roadways. According to [section 2.01.04.08](#), the Planned Village Community (PVC) zoning district is intended for planned developments serving as destination shopping and service locations for the community and aimed at reduce traffic congestion.

Old 41 Hwy hosts a variety of retail and commercial uses, including retail centers, automobile services, restaurants and office spaces. The development of residential units along Old 41 would be contrary to the existing development pattern of retail, commercial, and office space currently in place; for these reasons, staff recommends denial of the proposed amendments to the master plan.

ZONING ADMINISTRATOR'S RECOMMENDATION: **DENIAL**

Based on the findings outlined in the analysis section of this staff report, City staff recommends **denial** to amend the zoning conditions as outlined in the request case #RZ2024-04.

PLANNING COMMISSION RECOMMENDATION:

To be determined on November 6, 2024

MAYOR AND COUNCIL DECISION:

To be determined on November 18, 2024

APPENDIX A - ORD #2022-09 PROPOSED SITE PLAN

ZONING CASE #: RZ2024-04

Conceptual Site Plan

PROPOSED DEVELOPMENT SUMMARY:

PARCEL AREA: +/- 4.316 ACRES

EXISTING ZONING: PVC - PLANNED VILLAGE COMMUNITY

PROPOSED RETAIL: 5,000 SF

PROPOSED RETAIL PARKING: 25 SPACES (SURFACE)

PROPOSED RETAIL PARKING RATIO: 1 SPACE/200 SF

MULTIFAMILY RESIDENTIAL: 208 UNITS

5-STORY RESIDENTIAL I TYPE IIIA CONSTRUCTION

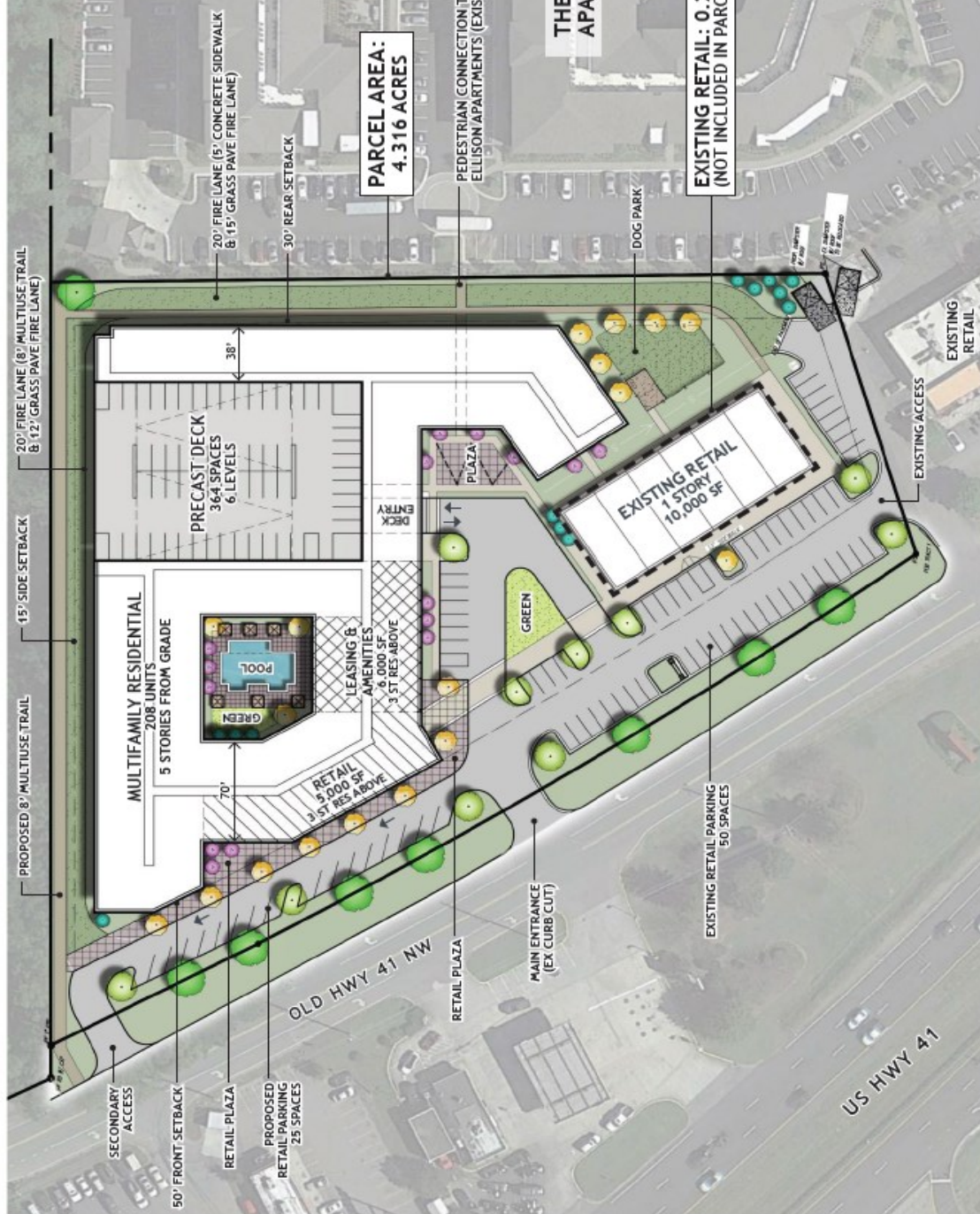
975 NSF/UNIT AVG I 243,600 NRSF TOTAL

LEASING & AMENITIES: 6,000 SF (DBL HT)

RESIDENTIAL PARKING: 364 SPACES (6 LEVEL DECK)

RESIDENTIAL PARKING RATIO: 1.75 SPACES/UNIT (MIN REQ)

EXISTING RETAIL SPACES MAY BE SHARED AS NEEDED



WARNER DEVELOPERS | OCTOBER 19, 2022

NILES BOLTON ASSOCIATES



REZONING APPLICATION

Required Fee \$375.00

Date Received 09/19/2024

Staff's Initials CMC

Is this property located within the Kennesaw Historic District (yes) _____ (no) X ?

A MINIMUM OF ONE CONSULTATION WITH PLANNING AND ZONING ADMINISTRATOR AND STAFF PRIOR TO THE SUBMISSION OF THE REQUESTED APPLICATION IS MANDATORY.

Date of Consultation 08/14/2024; 09/13/2024

Staff's Initials _____

REZONING PROPERTY ADDRESS 2112 & 2114 Old 41 Highway; 1620 N. Roberts Road

Land Lot 174, 175, 206, 207 Tax Parcel 21, 121, 119, 8 Lot Size 4.547+/-

Resident Population 0 Housing Units 0 Other Buildings Existing Retail Building

Zoning Request from:

Present Zoning PVC To: PVC

For the purpose of: Master Plan Amendment

APPLICANT EMAIL

Applicant Name: Fabric Housing Acquisitions LLC

Applicant Address 233 South Wacker Drive, Suite 4700, Chicago, IL 60606

(Phone #) _____

Applicant Signature BY: Moore Ingram Johnson & Steele, LLP

Date September 19, 2024

Signed, sealed and delivered in presence of: J. Kevin Moore, Attorneys for Applicant

September 19, 2024

Notary

Commission Expires: January 10, 2027



REPRESENTATIVE Moore Ingram Johnson & Steele, LLP - J. Kevin Moore

(Fax #) _____

(Work #) _____

(Cell #) _____

Representative Signature BY: J. Kevin Moore, Attorneys for Applicant and Titleholders

Date September 19, 2024

Signed, sealed and delivered in presence of: Carolyn E. Cook

September 19, 2024

Notary

Commission Expires: January 10, 2027



TITLEHOLDER: JLV Kennesaw Crossing, LLC

(Phone #) _____

Signature BY: John L. Varner, Manager

Address 120 Interstate North Parkway, Suite 154, Atlanta, GA 30339

Signed, sealed and delivered in presence of: Carolyn E. Cook

September 18, 2024

Notary

Commission Expires: January 10, 2027





CAMPAIGN DISCLOSURE REPORT¹ BY APPLICANT²

Each applicant must complete a separate form

Has the applicant made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating two hundred fifty dollars (\$250.00) or more or made gifts having in the aggregate a value of two hundred fifty dollars (\$250.00) or more to a member or members of the Mayor and Council or Planning Commission who will consider the application?
No.

If "Yes," the applicant and the attorney representing the applicant must file a disclosure report with the Mayor and Council of the City of Kennesaw within ten (10) days after this application is first filed.

Please supply the following information that will be considered as the required disclosure:

The name of the member(s) of the Mayor and Council or Planning Commission to whom the campaign contribution or gift was made:

Not Applicable.

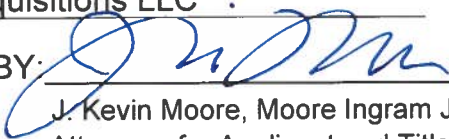
The dollar amount of each campaign contribution made by the applicant to the member(s) of the Mayor and Council or Planning Commission during the two (2) years immediately preceding the filing of this application and the date of each such contribution:

Not Applicable.

An enumeration and description of each gift having a value of two hundred fifty dollars (\$250.00) or more made by the applicant to the member(s) of the Mayor and Council or Planning Commission during the two (2) years immediately preceding the filing of this application:

I certify that the foregoing information is true and correct, this 19th day of September, 2024
Fabric Housing Acquisitions LLC

Applicants Signature BY:


J. Kevin Moore, Moore Ingram Johnson & Steele, LLP
Attorneys for Applicant and Titleholders

¹ If the answer to any of the above is "Yes," then the member of the Mayor and Council or Planning Commission must immediately disclose the nature and extent of such interest, in writing, to the Mayor and Council of the City of Kennesaw, Georgia. A copy should be filed with this application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

² Applicant means any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.



CAMPAIGN DISCLOSURE REPORT¹ BY APPLICANT²

Each applicant must complete a separate form

Has the applicant made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating two hundred fifty dollars (\$250.00) or more or made gifts having in the aggregate a value of two hundred fifty dollars (\$250.00) or more to a member or members of the Mayor and Council or Planning Commission who will consider the application?
No.

If "Yes," the applicant and the attorney representing the applicant must file a disclosure report with the Mayor and Council of the City of Kennesaw within ten (10) days after this application is first filed.

Please supply the following information that will be considered as the required disclosure:

The name of the member(s) of the Mayor and Council or Planning Commission to whom the campaign contribution or gift was made:

Not Applicable.

The dollar amount of each campaign contribution made by the applicant to the member(s) of the Mayor and Council or Planning Commission during the two (2) years immediately preceding the filing of this application and the date of each such contribution:

Not Applicable.

An enumeration and description of each gift having a value of two hundred fifty dollars (\$250.00) or more made by the applicant to the member(s) of the Mayor and Council or Planning Commission during the two (2) years immediately preceding the filing of this application:

I certify that the foregoing information is true and correct, this 19th day of September, 2024
Moore Ingram Johnson & Steele, LLP

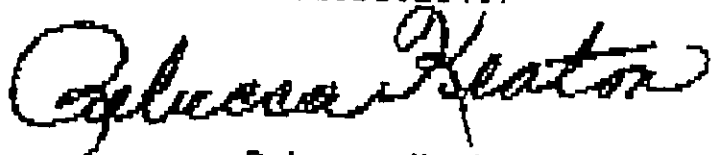
Applicants Signature BY: J. Kevin Moore

J. Kevin Moore; Georgia Bar No. 519728
Attorneys for Applicant and Titleholders

¹ If the answer to any of the above is "Yes," then the member of the Mayor and Council or Planning Commission must immediately disclose the nature and extent of such interest, in writing, to the Mayor and Council of the City of Kennesaw, Georgia. A copy should be filed with this application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

² Applicant means any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.

Deed Book 15570 Pg 6492
Filed and Recorded Sep-12-2018 03:01pm
2018-0118489
Real Estate Transfer Tax \$2,750.00
0332018023457


Rebecca Keaton
Clerk of Superior Court Cobb Cty. Ga.

After recording return to

David A. Weissmann
3495 Piedmont Road
Building 11, Suite 950
Atlanta, Georgia 30305

STATE OF GEORGIA

COUNTY OF COBB

TRUSTEE'S DEED

THIS DEED made this 5th day of September, 2018, between **SUNTRUST BANK, formerly known as TRUST COMPANY BANK, AS TRUSTEE UNDER AGREEMENT WITH THOMAS C. ERWIN III, DATED AUGUST 20, 1992 AS RENAMED THE THOMAS C. ERWIN, III REVOCABLE TRUST DATED MAY 13, 1997, AS AMENDED AND RESTATED ON MAY 14, 2012 ("Grantor") and JLV KENNESAW CROSSING, LLC, a Georgia limited liability company ("Grantee") (the terms Grantor and Grantee to include their respective heirs, successors and assigns, where the context hereof requires or permits).**

WITNESSETH THAT: Grantor, for and in consideration of the sum of ten and no/100ths Dollars (\$10.00) and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt, adequacy and sufficiency of which being hereby acknowledged by Grantor, has granted, bargained, sold and conveyed, and by these presents does hereby grant, bargain, sell and convey unto Grantee, the following described real property (the "Property"), to wit:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 174, 175, 206 AND 207 OF THE 20TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED ON THE ATTACHED EXHIBIT A, WHICH BY REFERENCE IS INCORPORATED HEREIN IN ITS ENTIRETY.

TO HAVE AND TO HOLD the above described tract or parcel of land, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of Grantee, forever, in **FEE SIMPLE**: in as full and ample a manner as the same was held, possessed and enjoyed, or might have been held, possessed and enjoyed, by the said deceased.

IT IS THE INTENT and express desire of the parties hereto and it is further expressly acknowledged and agreed that, notwithstanding that Grantee may be affiliated with Lender, neither Grantor nor Grantee intends that there be, and there shall not in any event be, a merger of any of the leasehold interest by the lease described on Exhibit B attached hereto and made a part hereof (the "Ground Lease") with the title or other interest of Grantee arising by virtue of this conveyance, and Grantor and Grantee expressly provide that the Ground Lease and leasehold interest created by the Ground Lease on the one hand, and the title hereby conveyed on the other hand, be, and shall remain at all times, separate and distinct, unless and until Grantee evidences contrary intent with regard to the Property, or any portion or portions thereof, at any time or times.

IN WITNESS WHEREOF, Grantor has signed and sealed this Deed t by its duly authorized representatives he day and year first above written.

Signed, sealed, and delivered
In the presence of:

Felicia Cleveland
Unofficial Witness

Debra Kay Brooks
Notary Public

My Commission Expires:

August 29, 2021

SUNTRUST BANK, formerly known as
TRUST COMPANY BANK, AS TRUSTEE
UNDER AGREEMENT WITH THOMAS C.
ERWIN III, DATED AUGUST 20, 1992 as
renamed the Thomas C. Erwin, III
Revocable Trust dated May 13, 1997, as
amended and restated on May 14, 2012

By:

Robin Boyd
Name: Robin Boyd

Title: Vice President

[BANK SEAL]

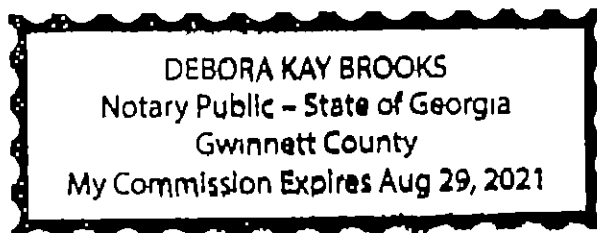


EXHIBIT A
LEGAL DESCRIPTION

TRACTS I and IV

All that tract or parcel of land lying and being in Land Lots 174, 175 and 206 of the 20th District, 2nd Section of Cobb County, Georgia, being more particularly described as follows:

BEGINNING at an iron pin placed at the intersection of the northwesterly right-of-way of Roberts Road (70-foot right-of-way) and the northeasterly right-of-way of Old U.S. Highway 41 (100-foot right-of-way); running thence along the northeasterly right of way of U.S. Highway 41 and following the curvature thereof a distance of 200.0 feet (said curve having a chord distance of 199.97 feet with a bearing of north 42 degrees 3 minutes west) to a point; running thence along the northeasterly right of way of Old U.S. Highway 41 and following the curvature thereof 500.0 feet (said curve having a chord distance of 499.68 feet with a bearing of north 41 degrees 18 minutes west) to a point; leaving said northeasterly right of way, running thence north 80 degrees 49 minutes east a distance of 180.0 feet to a point; running thence north 9 degrees 11 minutes west 133.1 feet to a point; running thence north 80 degrees 49 minutes east 600.8 feet to an iron pin found; running thence south 65 degrees 9 minutes 30 seconds east a distance of 181.3 feet to a point; running thence south 9 degrees 11 minutes east a distance of 496.4 feet to a point on the northwesterly right of way of Roberts Road; running thence along the northwesterly right of way of Roberts Road and following the curvature thereof 369.7 feet (said curve having a chord distance of 368.62 feet with a bearing of south 70 degrees 31 minutes 30 seconds west) to a point; running thence along the northwesterly right of way of Roberts Road and following the curvature thereof 150.0 feet (said curve having a chord distance of 149.98 feet with a bearing of south 61 degrees 53 minutes west) to an iron pin; running thence north 42 degrees 36 minutes 30 seconds west a distance of 19.0 feet to an iron pin; running thence south 47 degrees 23 minutes 30 seconds west a distance of 50.3 feet to a point on the northeasterly right of way of Old U.S. Highway 41, said point being the **POINT OF BEGINNING**; shown as Tracts I and IV and containing 11.31 acres on that certain plat of survey entitled "Kennesaw Crossing Shopping Center Prepared for NAJCO, Inc., Wachovia Bank, Chicago Title Insurance Company," prepared by David W. Lynch Surveyors, bearing the seal and certification of David W. Lynch, Georgia Registered Land Surveyor No. 1845, dated March 1, 1999.

TRACT II

All that tract or parcel of land lying and being in Land Lots 174 and 175 of the 20th District, 2nd Section, Cobb County, Georgia, more particularly described as follows:

TO FIND THE POINT OF BEGINNING OF TRACT II, commence at an iron pin placed at the intersection of the northeast right-of-way of Old U.S. Highway 41 (100-foot right-of-way) and the northwest right-of-way of Roberts Road (70-foot right-of-way); running thence north 47 degrees 23 minutes 30 seconds east a distance of 50.3 feet to an iron pin; running thence south 42 degrees 36 minutes 30 seconds east a distance of 19.0 feet to an iron pin placed on the northwesterly right-of-way of Roberts Road; running thence northeasterly along the curve of the

northwestern right-of-way of Roberts Road a distance of 150.0 feet (said curve having a chord distance of 149.98 feet with a bearing of north 61 degrees 53 minutes east); running thence northeasterly along the curve of the northwestern right-of-way of Roberts Road a distance of 369.7 feet (said curve having a chord distance of 368.62 feet with a bearing of north 70 degrees 31 minutes 30 seconds east) to the POINT OF BEGINNING OF TRACT II; running thence north 9 degrees 11 minutes west a distance of 496.4 feet to a point; running thence south 65 degrees 9 minutes 30 seconds east a distance of 219.0 feet to an iron pin; leaving said northwestern right of way, running thence south 35 degrees 08 minutes 30 seconds east a distance of 450.0 feet to an iron pin placed on the northwesterly right-of-way of Roberts Road; running thence south 88 degrees 51 minutes west along the northwesterly right-of-way of Roberts Road a distance of 36.2 feet to a point; leaving said northwesterly right-of-way, running thence north 35 degrees 2 minutes 30 seconds west a distance of 180.0 feet to a point; running thence south 72 degrees 4 minutes 30 seconds west a distance of 140.0 feet to a point; running thence south 18 degrees 02 minutes 30 seconds east a distance of 120.0 feet to the northwesterly right-of-way of Roberts Road; running thence southwesterly along the curve of the northwesterly right-of-way of Roberts Road a distance of 144.1 feet (said curve having a chord distance of 144.01 feet with a bearing of south 80 degrees 38 minutes west) to the POINT OF BEGINNING OF TRACT II; shown as Tract II and containing 2.12 acres on that certain plat of survey entitled "Kennesaw Crossing Shopping Center Prepared for: NAJCO, Inc., Wachovia Bank, Chicago Title Insurance Company," prepared by David W. Lynch Surveyors, bearing the seal and certification of David W. Lynch, Georgia Registered Land Surveyor No. 1845, dated March 1, 1999.

TRACT III

All that tract or parcel of land lying and being in Land Lot 175 of the 20th District, 2nd Section, Cobb County, Georgia; more particularly described as follows:

TO FIND THE POINT OF BEGINNING, commence at an iron pin placed at the intersection of the northeast right-of-way of Old U.S. Highway 41 (100-foot right-of-way) and the northwest right-of-way of Roberts Road (70-foot right-of-way); running thence along the curve of the northeast right-of-way of Old U.S. Highway 41 a distance of 200.00 feet (said curve having a chord distance of 199.97 feet with a bearing of north 42 degrees 03 minutes west); running thence along the curve of the northeast right-of-way of Old U.S. Highway 41 a distance of 500.0 feet (said curve having a chord distance of 499.68 feet with a bearing of north 41 degrees 18 minutes west) to the POINT OF BEGINNING; running thence north 36 degrees 38 minutes 30 seconds west along the northeast right-of-way of Old U.S. Highway 41 a distance of 150.0 feet to an iron pin found; leaving said northeast right of way, running thence north 80 degrees 49 minutes east a distance of 249.2 feet to a point; running thence south 9 degrees 11 minutes east a distance of 133.1 feet to a point; running thence south 80 degrees 49 minutes west a distance of 180.0 feet to the POINT OF BEGINNING; shown as Tract III and containing 0.65 acres on that certain plat of survey entitled "Kennesaw Crossing Shopping Center Prepared for: NAJCO, Inc., Wachovia Bank, Chicago Title Insurance Company," prepared by David W. Lynch Surveyors, bearing the seal and certification of David W. Lynch, Georgia Registered Land Surveyor No. 1845, dated March 1, 1999.

All that tract or parcel of land lying and being in Land Lot 174 of the 20th District, 2nd Section of Cobb County, Georgia, being more particularly described as follows:

BEGINNING at an iron pin placed at the intersection of the northwesterly right-of-way of Roberts Road (70-foot right-of-way) and the northeasterly right-of-way of Old U.S. Highway 41 (100-foot right-of-way) running thence north 47 degrees 23 minutes 30 seconds east a distance of 50.3 feet to an iron pin; running thence south 42 degrees 36 minutes 30 seconds east a distance of 19.0 feet to an iron pin; running thence along the northwesterly right-of-way line of Roberts Road and following the curvature thereof a distance of 150.0 feet (said curve having a chord distance of 149.98 feet with a bearing of north 61 degrees 53 minutes east) to a point; continuing thence along the northwesterly right-of-way of Roberts Road and following the curvature thereof a distance of 369.7 feet (said curve having a chord distance of 368.62 feet with a bearing of north 70 degrees 31 minutes 30 seconds east) to a point; continuing thence along the northwesterly right-of-way of Roberts Road and following the curvature thereof a distance of 144.1 feet (said curve having a chord distance of 144.01 feet with a bearing of north 82 degrees 3 minutes east) to the POINT OF BEGINNING; leaving said northwesterly right of way, running thence north 18 degrees 02 minutes 30 seconds west a distance of 120.0 feet to a point; running thence north 72 degrees 04 minutes 30 seconds east a distance of 140.0 feet to a point; running thence south 35 degrees 8 minutes 30 seconds east a distance of 180.0 feet to a point on the northwesterly right-of-way of Roberts Road; thence following the northwesterly right-of-way of Roberts Road and following the curvature thereof a distance of 200.0 feet (said curve having a chord distance of 199.90 feet with a bearing of south 87 degrees 08 minutes west) to the POINT OF BEGINNING; shown as Tract V and containing 0.53 acres on that certain plat of survey entitled "Kennesaw Crossing Shopping Center Prepared for NAJCO, Inc., Wachovia Bank, Chicago Title Insurance Company," prepared by David W. Lynah Surveyors, bearing the seal and certification of David W. Lynah, Georgia Registered Land Surveyor No. 1245, dated March 1, 1999,

TOGETHER WITH the buildings and improvements presently located on said land until the expiration or earlier termination of the lease.

EXHIBIT B

Lease dated December 17, 1969, between The Trust Company of Georgia, as the duly qualified and acting Trustee of the Trust created by Item VI of the Last Will and Testament of Mrs. Elsie C. Erwin, deceased, as Lessor, and Cousins Properties Incorporated, a Delaware corporation, as Lessee, for certain real property located in Fulton County, Georgia, as amended by that certain First Amendment to Lease dated December 15, 1977, between Trust Company Bank, formerly Trust Company of Georgia, as the duly qualified and acting Trustee of the Trust created by Item VI of the Last Will and Testament of Mrs. Elsie C. Erwin, deceased, as Lessor, and Lessee, wherein certain real property located in Land Lots 174, 175 and 206 of the 20th Land District, Second Section of Cobb County, Georgia, commonly known as Kennesaw Crossing Shopping Center was substituted for the real property located in Fulton County, Georgia, as further amended by that certain Second Amendment to Lease dated April 15, 1984, between Lessor and Lessee, as assigned by that certain Lease Assignment and Conveyance dated March 8, 1999, between Cousins Properties Incorporated, a Georgia corporation, as Assignor, and Najjar Holdings, LLC, a Georgia limited liability company, as Assignee, recorded in Deed Book 12282 Page 490, Cobb County, Georgia records, as terminated as of April 30, 2009, according to that certain Affidavit Concerning Termination of Leasehold Estate, executed by James N. Nevin, Vice-President of SunTrust Bank, f/k/a Trust Company Bank, f/k/a Trust Company of Georgia, as Trustee of the Elsie C. Erwin Trust and the Thomas C. Erwin, III Revocable Trust, dated July 15, 2009, recorded July 16, 2009 in Deed Book 14710, Page 3710, aforesaid records, as reinstated according to that certain Affidavit Concerning Reinstatement of Leasehold Estate by James N. Nevin, Vice-President of Sun Trust Bank, f/k/a Trust Company Bank, f/k/a Trust Company of Georgia, as Trustee of the Elsie C. Erwin Trust and the Thomas C. Erwin, III Revocable Trust, and recorded January 23, 2012 in Deed Book 14913, Page 2987, aforesaid records, as further amended by that certain Third Amendment to Lease dated January 24, 2011, between Sun Trust Bank, Inc. f/k/a SunTrust Bank, N.A. d/b/a SunTrust Bank, Atlanta, as sole Trustee of the Thomas C. Erwin, III Revocable Trust, as Lessor, and The Piedmont Bank, successor to Najjar Holdings, LLC, as Lessee, as assigned by The Piedmont Bank to TPB RE Holdings LLC, a Delaware limited liability company pursuant to that certain Assignment and Conveyance of Leasehold Estate dated February 28, 2012, recorded in Deed Book 14924, Page 5176 Cobb County, Georgia records, as further amended by Fourth Amendment to Lease dated as of June 28, 2018 Sun Trust Bank, Inc. f/k/a SunTrust Bank, N.A. d/b/a SunTrust Bank, Atlanta, as sole Trustee of the Thomas C. Erwin, III Revocable Trust, as Lessor, and TPB RE Holdings LLC, as assigned to JLV Kennesaw Crossing, LLC, as further assigned to Sea Marshes Development, LLC.

Deed Book 15604 Pg 1751
Filed and Recorded Feb-07-2019 02:47pm
2019-0013980
Real Estate Transfer Tax \$1,000.00
0332019002097


Rebecca Keaton
Clerk of Superior Court Cobb Cty. Ga.

Record and Return to:
MARTIN BAGWELL LUKE, P.C.
J. Marshall Martin III, Esq.
400 Northridge Road, Suite 1225
Atlanta, GA 30350

GENERAL WARRANTY DEED

4
THIS INDENTURE, made this 1st day of February, 2019, between **JLV KENNESAW CROSSING, LLC**, a Georgia limited liability company, as party of the first part, hereinafter referred to as "Grantor", and **JLV KENNESAW MIXED USE, LLC.**, a Georgia limited liability company, as party of the second part, hereinafter referred to as "Grantee", (the words "Grantor" and "Grantee" to include their respective heirs, successors, successors-in-title and assigns where the context requires or permits).

WITNESSETH THAT:

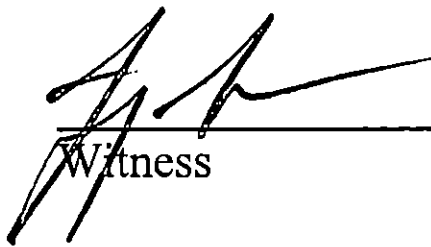
Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee all that tract or parcel of land lying and being in Cobb County, together with all improvements located thereon, and as more particularly described on Exhibit "A" attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever, subject to taxes and assessments for the year 2019 and subsequent years, not due and payable.

IN WITNESS WHEREOF, the Grantor has signed and sealed this Deed, the day and year first above written.

Signed, sealed and delivered
in the presence of:

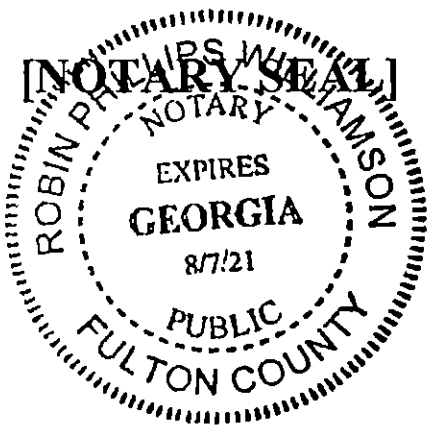


Witness



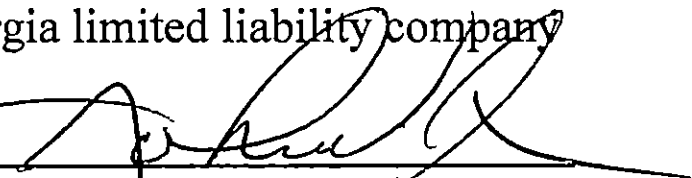
Notary Public

My Commission Expires: _____



GRANTOR:

JLV KENNESAW CROSSING, LLC,
a Georgia limited liability company

By: 

Name: John L. Varner
Title: Manager

[COMPANY SEAL]

Exhibit "A"**Legal Description****Retail Parcel**

All that tract or parcel of land lying and being in Land Lots 175 and 206 of the 20th District, 2nd Section, City of Kennesaw, Cobb County, Georgia and being more particularly described as follows:

To Reach the TRUE POINT OF BEGINNING commence at an iron pin set at the intersection of the Northwesternly Right of Way of Roberts Road (variable Right of Way), and the Easterly Right of Way of Old U.S. Highway 41 (100' right of Way); thence running along said Right of Way of Old U.S. Highway 41 along a curve to the left an arc length of 199.89 feet, (said curve having a radius of 3,333.25 feet, with a chord bearing of North 39° 17' 03" West, and a chord length of 199.86 feet) to an iron pin set and the TRUE POINT OF BEGINNING; thence running along a curve to the right an arc length of 315.39 feet, (said curve having a radius of 4033.97 feet, with a chord bearing of North 39° 51' 50" West, and a chord length of 315.31 feet); thence leaving said Right of Way North 48° 59' 41" East a distance of 191.82 feet to an iron pin set; thence North 82° 48' 21" East a distance of 203.15 feet to an iron pin set; thence South 07° 07' 54" East a distance of 316.11 feet to an iron pin set; thence South 66° 31' 49" West a distance of 200.00 feet to the TRUE POINT OF BEGINNING.

Said tract contains 2.273 Acres (99,027 Square Feet).

Office Parcel

Tract 1 as described on that certain Minor Subdivision Plat prepared for Kennesaw Crossing, LLC of Kennesaw Crossing, prepared by Technical Survey Services, dated November 6, 2018.

All that tract or parcel of land lying and being in Land Lots 174 & 207 of the 20th District, 2nd Section, City of Kennesaw, Cobb County, Georgia and being more particularly described as follows:

To Reach the TRUE POINT OF BEGINNING commence at an iron pin set at the northerly Right of way of Roberts Road (Variable R/W) and the northeasterly Right of Way of Old U.S. Highway 41 (100' R/W), thence running along said Right of Way of Roberts Road the following courses: North 50° 08' 19" East a distance of 50.30 feet to an iron pin set; thence South 39° 51' 41" East a distance of 19.00 feet to an iron pin set; thence North 64° 37' 49" East a distance of 149.98 feet to an iron pin set; thence running along a curve to the right an arc length of 445.51 feet, (said curve having a radius of 1375.95 feet, with a chord bearing of North 75° 09' 16" East, and a chord length of 443.57 feet) to an iron pin set and the TRUE POINT OF BEGINNING, from point thus established and leaving said Right of Way North 07° 10' 54" West a distance of 181.76 feet to an iron pin set; thence North 82° 49' 06" East a distance of 200.07 feet to an iron pin set;

1415526

thence South 32° 23' 21" East a distance of 237.81 feet to a 1/2" rebar and cap found on the northerly Right of Way of Roberts Road (Variable R/W); thence running along said Right of Way along a curve to the left an arc length of 235.49 feet, (said curve having a radius of 4142.07 feet, with a chord bearing of North 89° 54' 21" West, and a chord length of 235.45 feet) to an iron pin set; thence along a curve to the left an arc length of 67.90 feet, (said curve having a radius of 1375.95 feet, with a chord bearing of South 85° 50' 38" West, and a chord length of 67.89 feet) to the TRUE POINT OF BEGINNING,

Said tract contains 1.103 Acres (48,038 Square Feet).

Tract 4 as described on that certain Minor Subdivision Plat prepared for Kennesaw Crossing, LLC of Kennesaw Crossing, prepared by Technical Survey Services, dated November 6, 2018



Printed: 9/18/2024

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Payer:
John Varner

JLV KENNESAW MIXED USE LLC

Payment Date: 11/7/2023

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2023	20017400080	10/15/2023	Pay: N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$61.29	\$333.57	\$0.00	\$0.00	\$7,066.33	\$0.00



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City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780
(770) 429-4542

2023 Property Tax Bill

Parcel ID	Tax District		Bill #	
20017400080	3/3-BOND - KENNESAW CITY		237234	
Property Owner/Location/Description			Fair Market Value	Taxable Value
JLV KENNESAW MIXED USE LLC 1620 N ROBERTS RD			553,190	221,276
Levies	Taxable Value	- Exemptions	= Net Assessment	X Tax Rate = Net Tax
CITY OF KENNESAW	221,276	0	221,276	7.7500000000 \$1,714.89
BOND	221,276	0	221,276	1.5000000000 \$331.91

Exemptions:

Interest will accrue monthly at a rate of .96% per month, based on an annual calculation of Federal Prime Rate (8.5%) plus 3%. To arrive at the new monthly interest rate, divide the Federal Prime Rate by 12. This annual interest rate will changes when the Federal Reserve announces the new bank prime loan rate each January (House Bill 960).

Penalty will accrue at 5% after 120 days with an additional 5% assessed after each successive 120 days to a maximum of 20% of the principle amount due (House Bill 960).

Any questions concerning payment instructions should be directed to the City of Kennesaw Property Tax Department at (770) 429-4542 or taxoffice@kennesaw-ga.gov

Current Year Tax	\$2,046.80
Interest	\$0.00
Penalty	\$0.00
Other Fees	\$0.00
Payments Received	\$2,046.80
Other Amounts Due	\$0.00
Total Due	\$0.00
Due Date	12/01/2023



City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780

*Please make check or Money Order Payable to :
City of Kennesaw Property Tax Division and
include the Parcel ID on your check.*

*For your convenience, you may pay by check,
money order, Discover, Mastercard, AMEX,
VISA.
3% fee and \$3.50 per transaction fee added to
debit/credit card payments. \$1.25 fee per
ECheck transaction paid online.*

Parcel ID: 20017400080
Amount Due: \$0.00
Bill#: 237234
Due Date: 12/01/2023

AMOUNT PAID

JLV KENNESAW MIXED USE LLC
120 INTERSTATE NORTH PKWY SUITE 154
ATLANTA, GA 30339

City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780



CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Printed: 9/18/2024

Cobb County Online Tax Receipt

Thank you for your payment!

Payer:

JLV KENNESAW MIXED USE LLC

Payment Date: 1/1/0001

Tax Year	Parcel ID	Due Date	Appeal Amount			Taxes Due
2024	20017500210	10/15/2024	Pay:	N/A	or	\$0.00
Interest	Penalty	Fees	Total Due	Amount Paid		Balance
\$0.00	\$0.00	\$0.00	\$0.00			\$0.00



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City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780
(770) 429-4542

2023 Property Tax Bill

Parcel ID	Tax District		Bill #						
20017500210	3/3-BOND - KENNESAW CITY		237744						
Property Owner/Location/Description			Fair Market Value	Taxable Value					
JLV KENNESAW MIXED USE LLC 2112 OLD 41 HWY			100	40					
Levies	Taxable Value	-	Exemptions	=	Net Assessment	X	Tax Rate	=	Net Tax
CITY OF KENNESAW	40		0		40		7.7500000000		\$0.31
BOND	40		0		40		1.5000000000		\$0.06
Exemptions:									
Interest will accrue monthly at a rate of .96% per month, based on an annual calculation of Federal Prime Rate (8.5%) plus 3%. To arrive at the new monthly interest rate, divide the Federal Prime Rate by 12. This annual interest rate will changes when the Federal Reserve announces the new bank prime loan rate each January (House Bill 960).									
Penalty will accrue at 5% after 120 days with an additional 5% assessed after each successive 120 days to a maximum of 20% of the principle amount due (House Bill 960).									
Any questions concerning payment instructions should be directed to the City of Kennesaw Property Tax Department at (770) 429-4542 or taxoffice@kennesaw-ga.gov									
			Current Year Tax		\$0.00				
			Interest		\$0.00				
			Penalty		\$0.00				
			Other Fees		\$0.00				
			Payments Received		\$0.00				
			Other Amounts Due		\$0.00				
			Total Due		\$0.00				
			Due Date		12/01/2023				



City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780

Please make check or Money Order Payable to :
City of Kennesaw Property Tax Division and
include the Parcel ID on your check.

For your convenience, you may pay by check,
money order, Discover, Mastercard, AMEX,
VISA.
3% fee and \$3.50 per transaction fee added to
debit/credit card payments. \$1.25 fee per
ECheck transaction paid online.

Parcel ID: 20017500210
Amount Due: \$0.00
Bill#: 237744
Due Date: 12/01/2023

AMOUNT PAID

JLV KENNESAW MIXED USE LLC
120 INTERSTATE NORTH PKWY STE 154
ATLANTA, GA 30339

City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780



Printed: 9/18/2024

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Payer:
John Varner

JLV KENNESAW MIXED USE LLC

Payment Date: 11/7/2023

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due	
2023	20017501210	10/15/2023	Pay: N/A or	\$0.00	
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$97.16	\$528.77	\$0.00	\$0.00	\$11,201.23	\$0.00



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City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780
(770) 429-4542

2023 Property Tax Bill

Parcel ID	Tax District		Bill #	
20017501210	3/3-BOND - KENNESAW CITY		238628	
Property Owner/Location/Description			Fair Market Value	Taxable Value
JLV KENNESAW MIXED USE LLC 2112 OLD 41 HWY			876,890	350,756
Levies	Taxable Value	- Exemptions	= Net Assessment	X Tax Rate = Net Tax
CITY OF KENNESAW	350,756	0	350,756	7.7500000000 \$2,718.36
BOND	350,756	0	350,756	1.5000000000 \$526.13
Exemptions:				
Interest will accrue monthly at a rate of .96% per month, based on an annual calculation of Federal Prime Rate (8.5%) plus 3%. To arrive at the new monthly interest rate, divide the Federal Prime Rate by 12. This annual interest rate will changes when the Federal Reserve announces the new bank prime loan rate each January (House Bill 960).				
Penalty will accrue at 5% after 120 days with an additional 5% assessed after each successive 120 days to a maximum of 20% of the principle amount due (House Bill 960).				
Any questions concerning payment instructions should be directed to the City of Kennesaw Property Tax Department at (770) 429-4542 or taxoffice@kennesaw-ga.gov				

Current Year Tax	\$3,244.49
Interest	\$59.53
Penalty	\$0.00
Other Fees	\$0.00
Payments Received	\$3,304.02
Other Amounts Due	\$0.00
Total Due	\$0.00
Due Date	12/01/2023



City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780

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City of Kennesaw Property Tax Division and
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For your convenience, you may pay by check,
money order, Discover, Mastercard, AMEX,
VISA.
3% fee and \$3.50 per transaction fee added to
debit/credit card payments. \$1.25 fee per
ECheck transaction paid online.

Parcel ID: 20017501210
Amount Due: \$0.00
Bill#: 238628
Due Date: 12/01/2023

AMOUNT PAID

JLV KENNESAW MIXED USE LLC
120 INTERSTATE NORTH PKWY SUITE 154
ATLANTA, GA 30339

City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780



Printed: 9/18/2024

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Payer:
John Varner

JLV KENNESAW CROSSING LLC

Payment Date: 11/7/2023

Tax Year	Parcel ID	Due Date	Appeal Amount			Taxes Due
2023	20017501190	10/15/2023	Pay:	N/A	or	\$0.00
Interest	Penalty	Fees	Total Due	Amount Paid	Balance	
\$67.35	\$366.53	\$0.00	\$0.00	\$7,764.55	\$0.00	



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City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780
(770) 429-4542

2023 Property Tax Bill

Parcel ID	Tax District		Bill #	
20017501190	3/3-BOND - KENNESAW CITY		238624	
Property Owner/Location/Description			Fair Market Value	Taxable Value
JLV KENNESAW CROSSING LLC 2114 OLD 41 HWY			607,850	243,140
Levies	Taxable Value	- Exemptions	= Net Assessment	X Tax Rate = Net Tax
CITY OF KENNESAW	243,140	0	243,140	7.7500000000 \$1,884.34
BOND	243,140	0	243,140	1.5000000000 \$364.71
Exemptions:				
Interest will accrue monthly at a rate of .96% per month, based on an annual calculation of Federal Prime Rate (8.5%) plus 3%. To arrive at the new monthly interest rate, divide the Federal Prime Rate by 12. This annual interest rate will changes when the Federal Reserve announces the new bank prime loan rate each January (House Bill 960).				
Penalty will accrue at 5% after 120 days with an additional 5% assessed after each successive 120 days to a maximum of 20% of the principle amount due (House Bill 960).				
Any questions concerning payment instructions should be directed to the City of Kennesaw Property Tax Department at (770) 429-4542 or taxoffice@kennesaw-ga.gov				

Current Year Tax	\$2,249.05
Interest	\$0.00
Penalty	\$0.00
Other Fees	\$0.00
Payments Received	\$2,249.05
Other Amounts Due	\$0.00
Total Due	\$0.00
Due Date	12/01/2023



City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780

Please make check or Money Order Payable to :
City of Kennesaw Property Tax Division and
include the Parcel ID on your check.

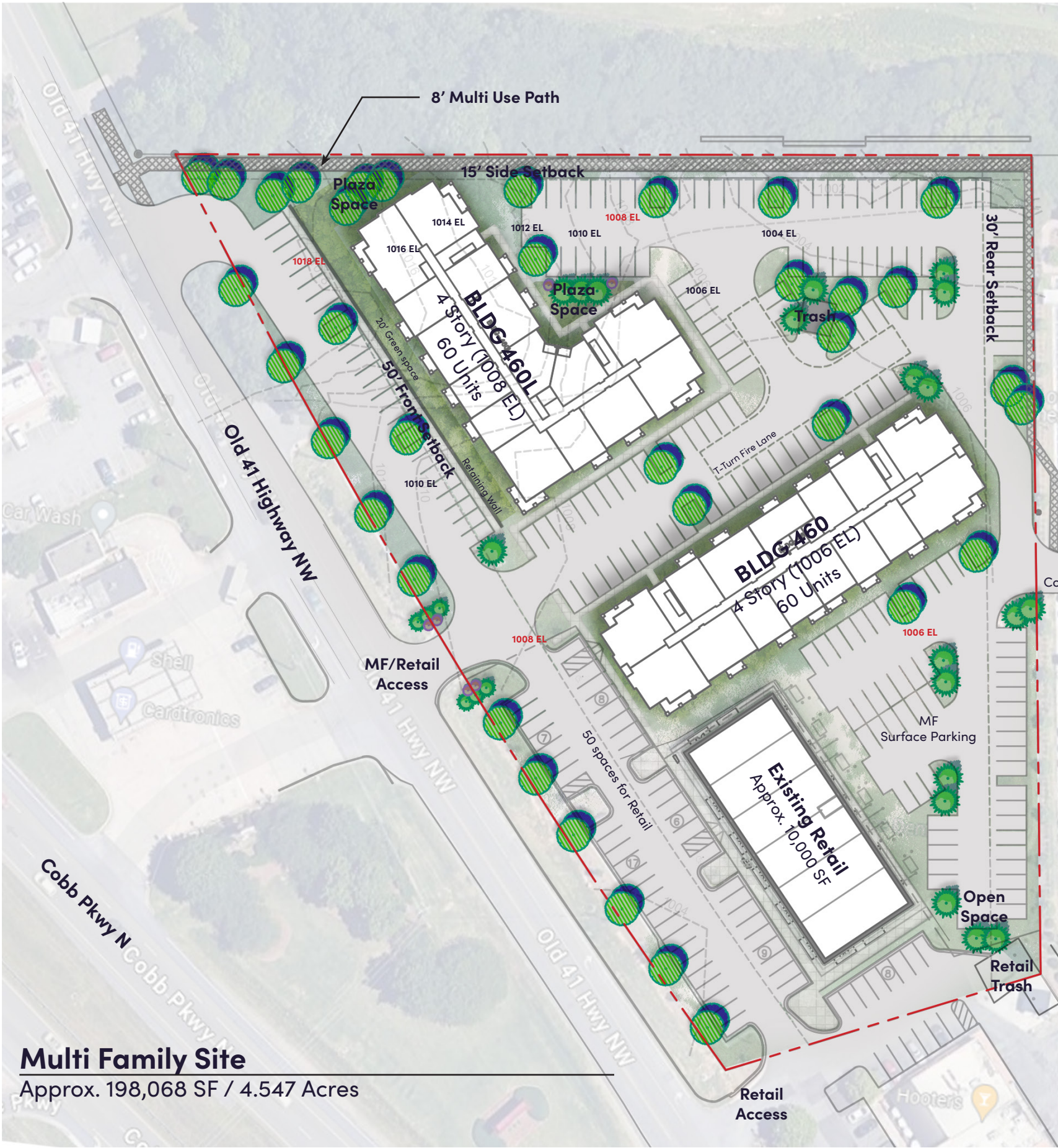
For your convenience, you may pay by check,
money order, Discover, Mastercard, AMEX,
VISA.
3% fee and \$3.50 per transaction fee added to
debit/credit card payments. \$1.25 fee per
ECheck transaction paid online.

Parcel ID: 20017501190
Amount Due: \$0.00
Bill#: 238624
Due Date: 12/01/2023

AMOUNT PAID

JLV KENNESAW CROSSING LLC
120 INTERSTATE NORTH PKWY SUITE 154
ATLANTA, GA 30339

City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780



UNIT MIX							TOTAL PROJECT MIX						TOTAL						4/17/2024	
UNIT TYPE	DESCRIPTION	BEDS	UNIT RENTABLE AREA			460	460L	TOTAL UNITS	TOTAL BEDS	BUILDING RENTABLE AREA		UNIT	TOTAL UNITS	TOTAL BEDS	TOTAL RENTABLE AREA					
			HEATED*	BALCONY	TOTAL**	0	0			HEATED*	GROSS*				HEATED*	GROSS*				
1 BEDROOM UNITS																				
A1	1 BEDROOM / 1 BATH	1	722 SF	66 SF	788 SF	16	4	20	20	14,440 SF	15,760 SF	A1	20	20	14,440 SF	15760 SF				
A1A	1 BEDROOM / 1 BATH	1	746 SF	66 SF	812 SF	16	16	32	32	23,872 SF	25,984 SF	A1A	32	32	23,872 SF	25984 SF				
A2	1 BEDROOM / 1 BATH	1	737 SF	66 SF	803 SF	4	0	4	4	2,948 SF	3,212 SF	A2	4	4	2,948 SF	3212 SF				
A3	1 BEDROOM / 1 BATH	1	759 SF	66 SF	825 SF	0	0	0	0	0 SF	0 SF	A3	0	0	0 SF	0 SF				
A4	1 BEDROOM / 1 BATH	1	804 SF	45 SF	849 SF	0	8	8	8	6,432 SF	6,792 SF	A4	8	8	6,432 SF	6792 SF				
TOTALS						0	0	136	64	47,692	51,748		64	64	47,692	51748				
2 BEDROOM UNITS																				
B1	2 BEDROOM / 2 BATH	2	1,082 SF	66 SF	1,148 SF	8	4	12	24	12,984 SF	13,776 SF	B1	12	24	12,984 SF	13776 SF				
B1A	2 BEDROOM / 2 BATH	2	1,075 SF	66 SF	1,141 SF	0	8	8	16	8,600 SF	9,128 SF	B1A	8	16	8,600 SF	9128 SF				
B2	2 BEDROOM / 2 BATH	2	1,196 SF	142 SF	1,338 SF	12	12	24	48	28,704 SF	32,112 SF	B2	24	48	28,704 SF	32112 SF				
B3	2 BEDROOM / 2 BATH	2	1,220 SF	168 SF	1,388 SF	0	4	4	8	4,880 SF	5,552 SF	B3	4	8	4,880 SF	5552 SF				
TOTALS						0	0	48	96	55,168	60,568		48	96	55,168	60568				
3 BEDROOM UNITS																				
C1	3 BEDROOM / 2 BATH	3	1,449 SF	143 SF	1,592 SF	4	4	8	24	11,592 SF	12,736 SF	C1	8	24	11,592 SF	12736 SF				
TOTALS						0	0	8	24	11,592	12,736		8	24	11,592	12736				
TOTAL UNITS						0	0	192	184	114,452 SF	125,052 SF		120	184	114,452 SF	125052 SF				
													UNIT AVERAGE			954 SF				

EXTERIOR LEGEND		EXTERIOR NOTES
	FDC	1. DECORATIVE LIGHTING, CENTER OVER GARAGE DOORS. 2. REFER TO CIVIL DRAWINGS FOR SITE RETAINING WALLS AND GRADING INFORMATION. 3. COVER ALL JOINTS BETWEEN CEMENTITIOUS BOARD WITH 3-1/2" BATTEN STRIPS. 4. Z-FLASHING AT HORIZONTAL BREAK AT FLOOR/CEILING FOR BOARD AND BATTEN



1280 HIGHTOWER TRAIL
ATLANTA, GA 30350
PHONE: 770.864.1035
dwelldesignstudio.com

FABRIC - PROTOTYPE

PROTOTYPE IS NOT SITE SPECIFIC

FABRIC

ISSUE	DATE	DESCRIPTION	IN/OUT
03/14/2023	03/14/2023	CONCEPTUAL DESIGN SET	X
03/14/2023	03/14/2023	SCHEMATIC DESIGN SET	X
03/14/2023	03/14/2023	SCHEMATIC DESIGN SET	X

REVISION	DATE	DESCRIPTION	REV

NOTES:

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THESE DRAWINGS ARE NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF DWELL DESIGN STUDIO.

BUILDING TYPE 460 - OVERALL ELEVATIONS

JOB NUMBER: 2350701

DRAWN BY: TA
CHECKED BY: JT / IH

A05.30

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1 BUILDING TYPE 460 FRONT ELEVATION

1/8" = 1'-0"

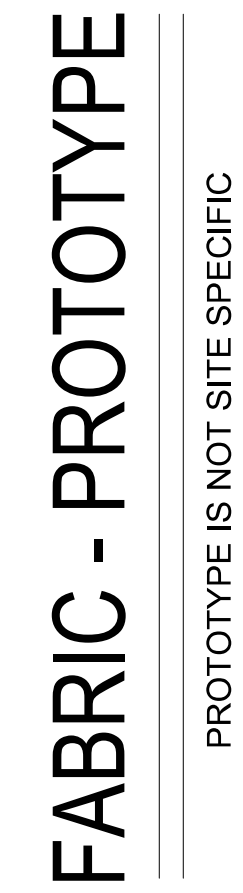


2 BUILDING TYPE 460 REAR ELEVATION

1/8" = 1'-0"

EXTERIOR FINISH SCHEDULE			
NO.	MATERIAL DESCRIPTION	MANUFACTURER	REMARKS
	CEMENTITIOUS TRIM - DARK		
		BASIS OF DESIGN: TBD	
BR-1	BRICK	BASIS OF DESIGN: TBD	HIGH REFLECTIVE WHITE SW 7757
CBB-1	CEMENTITIOUS SIDING	BASIS OF DESIGN: TBD	
CLS-1	CEMENTITIOUS LAP SIDING-6"EXPOSURE	BASIS OF DESIGN: TBD	HIGH REFLECTIVE WHITE SW 7757
CLS-2	CEMENTITIOUS LAP SIDING- VARIED EXPOSURE	BASIS OF DESIGN: TBD	MODERNE WHITE SW 6168
CLS-3	CEMENTITIOUS LAP SIDING- 6"EXPOSURE	BASIS OF DESIGN: TBD	CLASSIC FRENCH GRAY SW 0077
CPL-1	CEMENTITIOUS LAP SIDING- VARIED EXPOSURE	BASIS OF DESIGN: TBD	CLASSIC FRENCH GRAY SW 0077
CPL-2	CEMENTITIOUS PANEL -	BASIS OF DESIGN: TBD	MODERNE WHITE SW 6168
RGL-1	THREE LINE METAL RAILING WITH VERTICAL PICKETS	BASIS OF DESIGN: TBD	
SGL	ROOF SHINGLES	BASIS OF DESIGN: TBD	
WND	VINYL- INSULATED GLAZING	BASIS OF DESIGN: TBD	

EXHIBIT B



PROTOTYPE IS NOT SITE SPECIFIC

FABRIC[illegible]

REVISION		
DATE	DESCRIPTION	REV

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BUILDING TYPE 460 - PERSPECTIVES

OB NUMBER: 2350701

DRAWN BY TA	CHECKED BY JT / IH
----------------	-----------------------

A05.32



1 BUILDING TYPE 460 L FRONT ELEVATION
1/8" = 1'-0"



2 BUILDING TYPE 460 L REAR ELEVATION
1/8" = 1'-0"

EXTERIOR FINISH SCHEDULE			
NO.	MATERIAL DESCRIPTION	MANUFACTURER	REMARKS
	CEMENTITIOUS TRIM - DARK		
BR-1	BRICK		
CBB-1	CEMENTITIOUS SIDING	BASIS OF DEISGN: TBD	
CFB-2		BASIS OF DEISGN: TBD	
CLS-1	CEMENTITIOUS LAP SIDING - 6" EXPOSURE	BASIS OF DEISGN: TBD	
CLS-2	CEMENTITIOUS LAP SIDING - VARIED EXPOSURE	BASIS OF DEISGN: TBD	
CLS-3	CEMENTITIOUS LAP SIDING - 6" EXPOSURE	BASIS OF DEISGN: TBD	
CLS-4	CEMENTITIOUS LAP SIDING - VARIED EXPOSURE	BASIS OF DEISGN: TBD	
CPL-1	CEMENTITIOUS PANEL -	BASIS OF DEISGN: TBD	
CPL-2	CEMENTITIOUS PANEL -	BASIS OF DEISGN: TBD	
RGL-1	THREE LINE METAL RAILING WITH VERTICAL PICKETS	BASIS OF DEISGN: TBD	
SGL	ROOF SHINGLES	BASIS OF DEISGN: TBD	
WND	VINYL- INSULATED GLAZING	BASIS OF DEISGN: TBD	

EXTERIOR LEGEND		EXTERIOR NOTES
	FDC	1. DECORATIVE LIGHTING, CENTER OVER GARAGE DOORS. 2. REFER TO CIVIL DRAWINGS FOR SITE RETAINING WALLS AND GRADING INFORMATION 3. COVER ALL JOINTS BETWEEN CEMENTITIOUS BOARD WITH 3-1/2" BATTEN STRIPS 4. Z-FLASHING AT HORIZONTAL BREAK AT FLOOR/CEILING FOR BOARD AND BATTEN

dwelldesignstudio

1280 HIGHTOWER TRAIL

ATLANTA, GA 30350

PHONE: 770.864.1035

dwelldesignstudio.com

FABRIC - PROTOTYPE

PROTOTYPE IS NOT SITE SPECIFIC

FABRIC

ISSUE

DATE	DESCRIPTION	APPROVED
03/14/2023	CONCEPTUAL DESIGN SET	X
04/06/2023	SCHEMATIC DESIGN SET	X
07/26/2023	50 PERCENT SOLUTION SET	X

REVISION

DATE	DESCRIPTION	REV
------	-------------	-----

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SHEET NAME

BUILDING TYPE 460L - OVERALL ELEVATIONS

JOB NUMBER: 2350701

DRAWN BY

CHECKED BY

TA

JT / IH

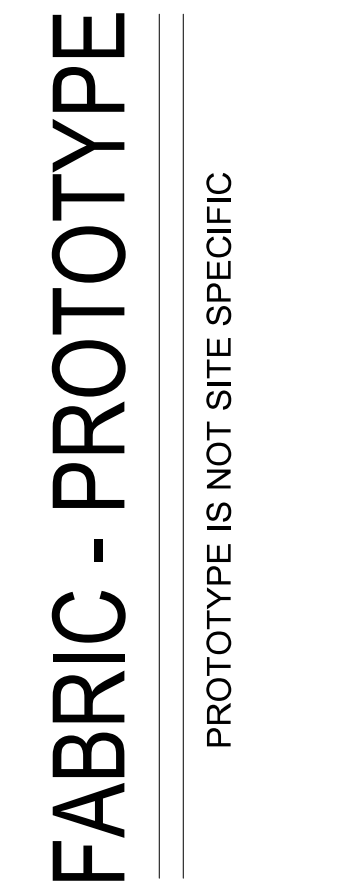
A05.40

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10/16/2023 1:30:18 PM

Autodesk Docs\2350701_Fabric_Prototype\BUDGS_460L_459L.rvt

Page 64 of 118

**FABRIC**[illegible]

REVISION		
DATE	DESCRIPTION	REV

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SHEET NAME:
BUILDING TYPE
460L -
PERSPECTIVES

JOB NUMBER: 2350701

DRAWN BY TA	CHECKED BY JT / IH
----------------	-----------------------

A05.42



Master Plan
Multi Family + Retail Building

Note: Base plan provided by Varner Developers + Used herein with permission.



MAYOR

Derek Easterling

City Manager

Jeff Drobney, ICMA-CM

City Clerk

Lea Alvarez, CMC

**COUNCIL**

Mayor Pro Tem Antonio Jones

Madelyn Orochena

Tracey Viars

Pat Ferris

Anthony Gutierrez

10/16/24

Pamela Mabry, County Clerk
Cobb County
100 Cherokee Street, #355
Marietta, Georgia 30090-9679

Subject: City of Kennesaw Zoning Application (Case# RZ2024-04)
2112 Old 41 Hwy, 2114 Old 41 Hwy & 1620 N. Roberts Rd, Kennesaw, GA 30144
Parcel #: 20017501190, 20017501210, 20017400080 & 20017500210

Dear Ms. Mabry,

Attached, please find a zoning application submitted by Fabric Housing Acquisition, LLC to amend the zoning conditions for the above subject property. Because this case is within a half-mile from unincorporated Cobb County, this letter and enclosed application are being provided in accordance with the House Bill 489 Intergovernmental Agreement.

This case is set to go before the Kennesaw Planning Commission on November 6th at 6:30 p.m. for public hearing and Mayor and Council on November 18th at 6:30 p.m. for public hearing as well.

Thank you for your attention. Should you have any questions, you may call me at 770-590-8268 or send an e-mail to dsimmons@kennesaw-ga.gov.

Sincerely,

Darryl Simmons

Darryl Simmons
Planning and Zoning Administrator

Enclosure: Zoning Application

cc: Jessica Guinn, AICP, Community Development Agency Director (Via E-mail)
Dr. Jackie McMorris, Cobb County Manager (Via E-mail)
Phillip Westbrook, Senior Planner, Cobb County Community Development (Via E-mail)
Donald Wells, Intergovernmental Coordinator/Planner III, Cobb County Community Dev. (Via E-mail)
Dr. Jeff Drobney, City Manager, City of Kennesaw (Via E-mail)
Chanelle Campbell, Assistant Zoning Administrator & Planner, City of Kennesaw (Via E-mail)
Rebecca Goldstein, Community Development Administrative Assistant, City of Kennesaw (Via E-mail)

**CITY OF KENNESAW
LAND USE NOTICE**
APPLICATION # RZ2024-04
PURPOSE Amend the rezoning conditions
DATE OF PUBLIC MEETING 11/18/2024 TIME 6:30PM
DATE OF PUBLIC MEETING 11/18/2024 TIME 6:30PM
PLACE: CITY HALL KENNESAW, GA
Due to the priority for public health and safety,
the City of Kennesaw will implement a public meeting
protocol / system for community participation
in compliance to social distancing protocol.
For specific public meeting guidelines and access to all
application information please visit our website
[HTTP://WWW.KENNESAW-GA.GOV](http://www.kennesaw-ga.gov)
FOR FURTHER INFORMATION PLEASE CALL:
PLANNING AND ZONING DEPARTMENT 770-895-8268

10.18.2024 11:55

**CITY OF KENNESAW
LAND USE NOTICE**

APPLICATION # **RZ2024-04**

PURPOSE **Amend the rezoning conditions**

DATE OF PUBLIC MEETING: **11/6/2024** TIME: **6:30PM**

DATE OF PUBLIC MEETING: **11/18/2024** TIME: **6:30PM**

PLACE: **CITY HALL KENNESAW, GA**

Due to the priority for public health and safety,
the City of Kennesaw will implement a public meeting
protocol / system for community participation
in compliance to social distancing protocol.
For specific public meeting guidelines and access to all
application information please visit our website

[HTTP://WWW.KENNESAW-GA.GOV](http://www.kennesaw-ga.gov)

FOR FURTHER INFORMATION PLEASE CALL :
PLANNING AND ZONING DEPARTMENT 770-590-8268

10.18.2024 11:56



**CITY OF KENNESAW
LAND USE NOTICE**
APPLICATION # RZ2024-04
PURPOSE Amend the rezoning conditions
DATE OF PUBLIC MEETING: 11/6/2024 TIME: 6:30PM
DATE OF PUBLIC MEETING: 11/18/2024 TIME: 6:30PM
PLACE: CITY HALL KENNESAW, GA
Due to the priority for public health and safety,
the City of Kennesaw will implement a public meeting
protocol system for community participation
in compliance to social distancing protocol.
For specific public meeting guidelines and access to all
application information please visit our website
[HTTP://WWW.KENNESAW-GA.GOV](http://www.kennesaw-ga.gov)
FOR FURTHER INFORMATION PLEASE CALL:
PLANNING AND ZONING DEPARTMENT 770-590-8268

WARNING/NOTICE
PRIVATE PARKING
NO PARKING
ANY VEHICLE OR TRAILER
LEFT IN VIOLATION OF
THIS SIGN SHALL BE
TOWED AT THE
OWNER'S RISK
953-1176
DASH 24 HOURS
TOWERS: 953-1176
TOWERS: 953-1176

10.18.2024 11:53

TIMES JOURNAL, INC.
P.O. BOX 1633
ROME GA 30162-1633
(770)795-3050

ORDER CONFIRMATION

Salesperson: ROSE MILLER

Printed at 10/16/24 13:04 by rmill-tj

Acct #: 110016

Ad #: 442524

Status: New WHOLD

CITY OF KENNESAW
2529 J.O. STEPHENSON AVE
KENNESAW GA 30144

Start: 10/18/2024 Stop: 10/18/2024

Times Ord: 1 Times Run: ***

LEG 1.00 X 2.96 Words: 200

Total LEG 2.96

Class: 8003 PUBLIC HEARING

Rate: LEGL Cost: 30.00

Ad Descrpt: PH-7909 RZ2024-04

Descr Cont: MDJ-7909 GPN-16 CITY OF K

Given by: CHANELLE CAMPBELL

P.O. #:

Contact: LEA ALVAREZ

Phone: (770)424-8274

Fax#:

Email: LALVAREZ@KENNESAW-GA.GOV

Agency:

Created: rmill 10/16/24 13:00

Last Changed: rmill 10/16/24 13:04

PUB ZONE EDT TP RUN DATES
MDJ A 95 S 10/18

AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Name (print or type)

Name (signature)

.

MDJ-7909
GPN-16
CITY OF KENNESAW
PUBLIC NOTICE

Notice is hereby given that the City of Kennesaw shall hold public hearings to give consideration for a rezoning request submitted by Fabric Housing Acquisitions, LLC. Said request is to amend the zoning conditions for parcels located at 2112 Old 41 Highway, 2114 Old 41 Highway, and 1620 N. Roberts Road (20017501190, 20017501210, 20017400080 & 20017500210), and lies in Land Lots 174 and 175, Tax Parcels 119, 121, 8, 21 of the 20th District, 2nd Section, Cobb County Georgia.

Said meetings shall be held before the Planning Commission on November 6, 2024 at 6:30 p.m. with a final scheduled hearing and adoption by the Mayor and Council to be considered on November 18, 2024 at 6:30 p.m. Meetings will be held in the Kennesaw City Council Chambers, 2529 J.O. Stephenson Avenue, Kennesaw, GA. Any interested persons may attend and be heard relative thereto.

Mayor and Council will be conducting their meeting in person and you can access the meeting via the following link:

<https://www.kennesaw-ga.gov/publicmeetings/>

Any interested citizens are invited to email kennesawcouncil@kennesaw-ga.gov.

10:18-2024

**MDJ-7909
GPN-16
CITY OF KENNESAW
PUBLIC NOTICE**

Notice is hereby given that the City of Kennesaw shall hold public hearings to give consideration for a rezoning request submitted by Fabric Housing Acquisitions, LLC. Said request is to amend the zoning conditions for parcels located at 2112 Old 41 Highway, 2114 Old 41 Highway, and 1620 N. Roberts Road (20017501190, 20017501210, 20017400080 & 20017500210) and lies in Land Lots 174 and 175, Tax Parcels 119, 121, 8, 21 of the 20th District, 2nd Section, Cobb County Georgia.

Said meetings shall be held before the Planning Commission on November 6, 2024 at 6:30 p.m. with a final scheduled hearing and adoption by the Mayor and Council to be considered on November 18, 2024 at 6:30 p.m. Meetings will be held in the Kennesaw City Council Chambers, 2529 J.O. Stephenson Avenue, Kennesaw, GA. Any interested persons may attend and be heard relative thereto.

Mayor and Council will be conducting their meeting in person and you can

8003	Public Hearing
access the meeting via the following link: https://www.kennesaw-ga.gov/publicmeetings/	
Any interested citizens are invited to email kennesawcouncil@kennesaw-ga.gov .	
10:18-2024	



Community Development
Planning & Zoning Department
2529 J. O. Stephenson
Kennesaw, GA 30144

CERTIFICATION AUTHORIZATION

I hereby attest to the fact that a certified mailing to property owners within 200 feet was mailed out on October 17, 2024. in accordance with the application requirements.

MOORE INGRAM JOHNSON & STEELE, LLP

October 21, 2024

Date

BY:

J. Kevin Moore

Applicant or Authorized Agent

Georgia Bar No. 519728

Attorneys for Applicant and Property Owners

Sworn and subscribed before me this 21st day of October 2024

Carolyn E. Cook

Notary Public

My Commission Expires: January 10, 2027



Attach to this document a copy of the property/s that have been served notification along with the documentation supplied in the certified mailing.

MOORE INGRAM JOHNSON & STEELE, LLP

Attorneys at Law
326 Roswell Street, Suite 100
Marietta, Georgia 30060
(770) 429-1499

October 17, 2024

RE: NOTIFICATION OF NEARBY MASTER PLAN AMENDMENT APPLICATION

Applicant: Fabric Housing Acquisitions LLC
Applicant's
Representative: J. Kevin Moore, Esq., Moore Ingram Johnson & Steele, LLP
(770) 429-1499 – jkm@mijs.com
Property: 2112 and 2114 Old 41 Highway; 1620 N. Roberts Road
Parcel ID Nos.: 20017501190; 20017501210; 20017500210; and 20017400080

To Whom It May Concern:

The undersigned and this firm represent Fabric Housing Acquisitions LLC, who is the Applicant in the proposed Master Plan Amendment of certain property located in the City of Kennesaw, Cobb County, Georgia. This correspondence is to formally notify you the City of Kennesaw Planning and Zoning Department has received a Master Plan Amendment Application for property within two hundred (200) feet of your property. As a nearby property owner, you have the right to be informed of potential Master Plan changes.

The Application details are as follows:

Applicant Name:	Fabric Housing Acquisitions LLC
Property Address:	2112 and 2114 Old 41 Highway; 1620 N. Roberts Road
Parcel Identification Nos.:	20017501190; 20017501210; 20017500210; 20017400080
Description of Proposal:	Amend Conditions to the Master Plan

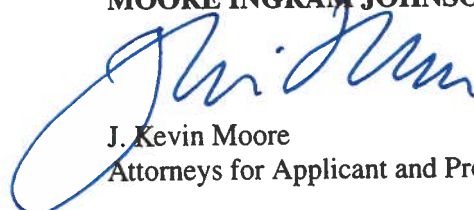
The Application will be reviewed and voted on at Public Hearings by the Planning Commission and the Mayor and City Council. The meeting details are as follows:

Planning Commission Meeting	Mayor and City Council Meeting
Date: November 6, 2024	Date: November 18, 2024
Time: 6:30 p.m.	Time: 6:30 p.m.

Both meetings occur in the City Hall Council Chambers located at 2529 J.O. Stephenson Avenue, Kennesaw, Georgia 30144. You may appear in person or be represented by an attorney to present any objections you may have. A copy of the Application, together with other documentation required by the City, is enclosed for your review. This notice is being sent to you by order of the Planning Commission and the Mayor and Council.

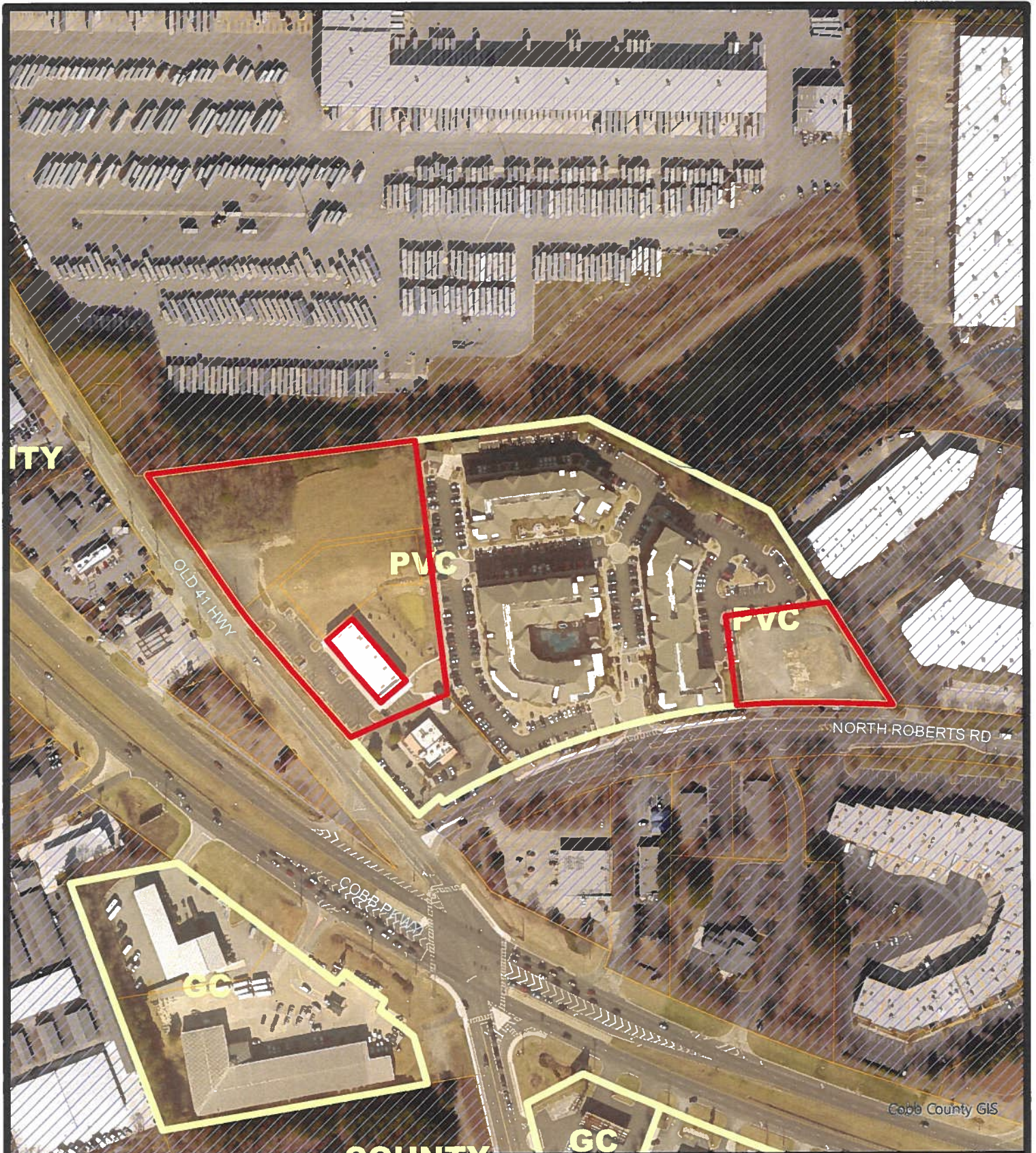
Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



J. Kevin Moore
Attorneys for Applicant and Property Owners

Enclosures



CASE NUMBER		LAND USE OR ZONING		2112, 2114 Old 41 Hwy & 1620 N Roberts Rd Land Lot 175, Tax Parcels 21, 119 & 121 Land Lot 174, Tax Parcel 08  Subject Property	  CITY OF KENNESAW PLANNING & ZONING DEPT. 770-590-8268 <i>David Easton</i> Mayor <i>Lee Murray</i> City Clerk	Scale: 1" = 250' Print Date: 9/20/2024 RZ2024_004
AV	LU	FROM	TO			
AX	RZ 2024-003	PVC	PVC			
DX	AV – Administrative Variance DX – De-annexation	 ZONING				
HBR	HBR – Historic Board Review	 KENNESAW CITY LIMITS				
SLUP	LU – Land Use RZ – Re-zoning SLUP – Special Land Use	 COBB COUNTY				
ZV	ZV – Variance	 LAND LOT				



REZONING APPLICATION

Required Fee \$375.00

Date Received 09/19/2024

Staff's Initials CMC

Is this property located within the Kennesaw Historic District (yes) _____ (no) X ?

A MINIMUM OF ONE CONSULTATION WITH PLANNING AND ZONING ADMINISTRATOR AND STAFF PRIOR TO THE SUBMISSION OF THE REQUESTED APPLICATION IS MANDATORY.

Date of Consultation 08/14/2024; 09/13/2024

Staff's Initials _____

REZONING PROPERTY ADDRESS 2112 & 2114 Old 41 Highway; 1620 N. Roberts Road

Land Lot 174, 175, 206, 207 Tax Parcel 21, 121, 119, 8 Lot Size 4.547+/-

Resident Population 0 Housing Units 0 Other Buildings Existing Retail Building

Zoning Request from:

Present Zoning PVC To: PVC

For the purpose of: Master Plan Amendment

APPLICANT EMAIL

Applicant Name: Fabric Housing Acquisitions LLC

Applicant Address 233 South Wacker Drive, Suite 4700, Chicago, IL 60606

(Phone #) _____

Moore Ingram Johnson & Steele, LLP

Applicant Signature BY: [Signature] Date September 19, 2024

Signed, sealed and delivered in presence of: Carolyn E. Cook September 19, 2024

Notary _____ Date _____
Commission Expires: January 10, 2027



REPRESENTATIVE Moore Ingram Johnson & Steele, LLP - J. Kevin Moore

(Fax #) _____ (Work #) _____ (Cell #) _____

Representative Signature BY: [Signature] Date September 19, 2024

Signed, sealed and delivered in presence of: Carolyn E. Cook September 19, 2024

Notary _____ Date _____
Commission Expires: January 10, 2027



TITLEHOLDER: JLV Kennesaw Crossing, LLC

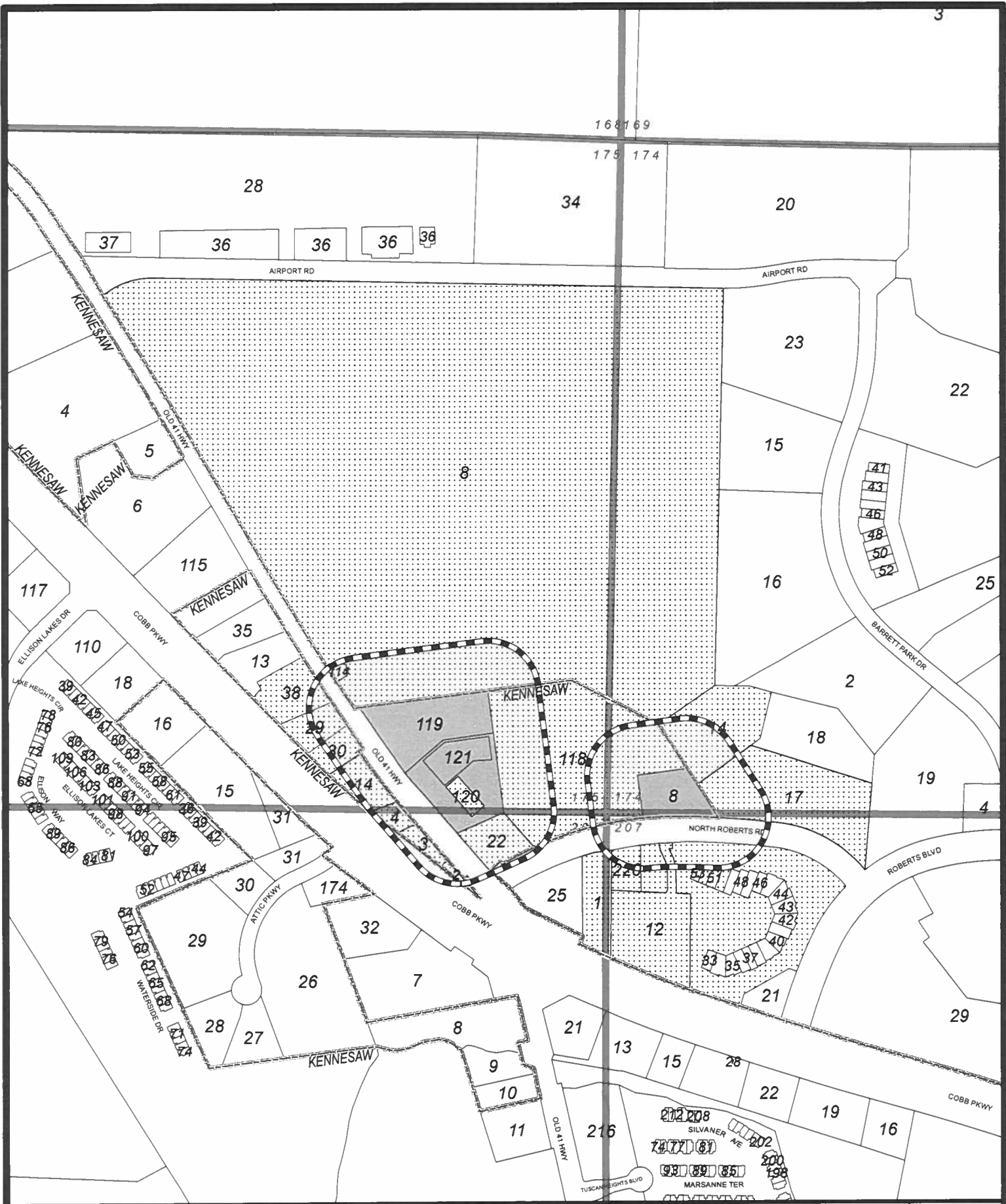
JLV Kennesaw Mixed Use, LLC (Phone #) _____

Signature BY: [Signature] Address 120 Interstate North Parkway, Suite 154, Atlanta, GA 30339

Signed, sealed and delivered in presence of: Carolyn E. Cook September 18, 2024

Notary _____ Date _____
Commission Expires: January 10, 2027





-  Subject Parcel
-  200' Radius
-  Properties Notified

2112, 2114 Old 41 Hwy & 1620 N Roberts Rd
Land Lot 175, Tax Parcels 21, 119, & 121
Land Lot 174, Tax Parcel 08

RZ2024-004
200' PROPERTY NOTIFICATION



CITY OF KENNESAW
 PLANNING & ZONING DEPT.
 770-590-8268

David Estroff
 Mayor
Jim Blasing
 City Clerk

Date: 9/30/2024
 RZ2024_004



1" = 500'

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City, State, ZIP+

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 PAC ELLISON LLC
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 CHICAGO, IL 60690

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 ETHAN WAID REAL ESTATE LLC
 316 HARVEST VIEW TERRACE
 WOODSTOCK, GA 30188

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City, State, ZIP+4®

Tax Parcel - 20020600220
 3700 DEKALB TECHNOLOGY PARKWAY LLC
 450 EAST PACES FERRY ROAD
 ATLANTA, GA 30305

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Total Postage

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Street and Apt.

City, State, ZIP+

Tax Parcel - 20017400140
 DIODATI RAY L. & DIODATI RICH
 POST OFFICE BOX 2595
 KENNESAW, GA 30156

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☐ Adult Signature Restricted Delivery \$

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Total Postage and Fee

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Street and Apt. No.

City, State, ZIP+

Tax Parcel - 20017400170
 DIODATI RAY L. & DIODATI RICH
 POST OFFICE BOX 2595
 KENNESAW, GA 30156

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Postage

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Total Postage

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City, State, ZIP+

Tax Parcel - 20017500980
 FEDEX GROUND PACKAGE SYSTEM, INC.
 1000 FEDEX DRIVE
 MOON TOWNSHIP, PA 15108

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☐ Return Receipt (electronic) \$
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☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage

Total Postage \$

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Street and Apt.

City, State, ZIP

Tax Parcel - 20017500140
LANG, INC.
1613 OLD HUNTERS TRACE
MARIETTA, GA 30062

PS Form 3800, April 2015 PSN 7530-02-000-9047

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☐ Adult Signature Restricted Delivery \$

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Total Postage \$

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City, State, ZIP

Tax Parcel - 200175008290
D & S PROPERTY, LLC
307 BROOKE AVENUE
CANTON, GA 30114

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☐ Adult Signature Restricted Delivery \$

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Total Postage \$

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Street and Apt.

City, State, ZIP

Tax Parcel - 20017500300
WAFFLE HOUSE, INC.
ATTENTION: TAX DEPARTMENT
POST OFFICE BOX 6450
NORCROSS, GA 30091-6450

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☐ Adult Signature Restricted Delivery \$

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City, State, ZIP

Tax Parcel - 20017500380
GREER REAL ESTATE HOLDINGS LLC
419 PONDEROSA TRAIL
DALLAS, GA 30132

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Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage

Total Postage \$

Sent To

Street and Apt.

City, State, ZIP

Tax Parcel - 20017501140
NOBLE BEN F.
438 CHOWNING PLACE
MARIETTA GA 30064

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7022 0410 0001 4901 7048

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☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage

Total Postage \$

Sent To

Street and Apt.

City, State, ZIP

Tax Parcel - 20020600010
KARLEBACH PROPERTY MANAGEMENT LLC
833 HALLBROOK LANE
MILTON, GA 30004

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7022 0410 0001 4901 7055

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☐ Return Receipt (hardcopy) \$☐ Return Receipt (electronic) \$☐ Certified Mail Restricted Delivery \$☐ Adult Signature Required \$☐ Adult Signature Restricted Delivery \$

Postage

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Total Postage at

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Sent To

Street and Apt. N

City, State, ZIP+

Tax Parcel – 20020660020
 GEORGIA STATE HIGHWAY DEPT.
 C/O TRANSPORTATION DEPT.
 2 CAPITOL SQUARE, S.W., SUITE 300
 ATLANTA, GA 30334-0000

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See Reverse for Instructions

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☐ Return Receipt (hardcopy) \$☐ Return Receipt (electronic) \$☐ Certified Mail Restricted Delivery \$☐ Adult Signature Required \$☐ Adult Signature Restricted Delivery \$

Postage

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Total Postage at

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Sent To

Street and Apt. N

City, State, ZIP+

Tax Parcel – 20020690030
 GEORGIA STATE HIGHWAY DEPT.
 C/O TRANSPORTATION DEPT.
 2 CAPITAL SQUARE, S.W., SUITE 1150
 ATLANTA, GA 30334-0000

PS Form 3800, April 2015 PSN 7530-02-000-9047

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7022 0410 0001 4901 7079

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Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$☐ Return Receipt (electronic) \$☐ Certified Mail Restricted Delivery \$☐ Adult Signature Required \$☐ Adult Signature Restricted Delivery \$

Postage

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Total Postage at

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Sent To

Street and Apt. N

City, State, ZIP+

Tax Parcel – 20020600040
 GEORGIA STATE HIGHWAY DEPT.
 C/O TRANSPORTATION DEPT.
 2 CAPITOL SQUARE, S.W., SUITE 300
 ATLANTA, GA 30334-0000

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7022 0410 0001 4901 7086

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Certified Mail Fee

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Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$☐ Return Receipt (electronic) \$☐ Certified Mail Restricted Delivery \$☐ Adult Signature Required \$☐ Adult Signature Restricted Delivery \$

Postage

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Total Postage at

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Sent To

Street and Apt. N

City, State, ZIP+

Tax Parcel - 20020700120
 LGE COMMUNITY CREDIT UNION
 POST OFFICE BOX 1188
 MARIETTA, GA 30061

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7022 0410 0001 4901 7093

U.S. Postal Service™

CERTIFIED MAIL® RECEIPT

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Certified Mail Fee

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Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$☐ Return Receipt (electronic) \$☐ Certified Mail Restricted Delivery \$☐ Adult Signature Required \$☐ Adult Signature Restricted Delivery \$

Postage

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Total Postage at

\$

Sent To

Street and Apt. N

City, State, ZIP+

Tax Parcel – 20020700500
 KEYCHEM INTERNATIONAL, INC.
 1690 ROBERTS BLVD., SUITE 118
 KENNESAW GA 30144

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7022 0410 0001 4901 7109

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Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$☐ Return Receipt (electronic) \$☐ Certified Mail Restricted Delivery \$☐ Adult Signature Required \$☐ Adult Signature Restricted Delivery \$

Postage

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Total Postage at

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Sent To

Street and Apt. N

City, State, ZIP+

Tax Parcel – 20020700510
 KEYCHEM INTERNATIONAL, INC.
 1690 ROBERTS BLVD., SUITE 118
 KENNESAW, GA 30144

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7022 0410 0001 4901 7116

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Certified Mail Fee

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Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$
- ☐ Return Receipt (electronic) \$
- ☐ Certified Mail Restricted Delivery \$
- ☐ Adult Signature Required \$
- ☐ Adult Signature Restricted Delivery \$

Postage

\$

Total Postage at

\$

Sent To

Street and Apt. N

City, State, ZIP+

Tax Parcel – 20020700520
RYTECH MANAGEMENT, LLC
1690 ROBERTS BLVD, UNIT 120
KENNESAW, GA 30144

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



7022 0410 0001 4901 7123

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Certified Mail Fee

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Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$
- ☐ Return Receipt (electronic) \$
- ☐ Certified Mail Restricted Delivery \$
- ☐ Adult Signature Required \$
- ☐ Adult Signature Restricted Delivery \$

Postage

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Total Postage at

\$

Sent To

Street and Apt. N

City, State, ZIP+

Tax Parcel – 20020700530
STEVIE'S PIZZA ENTERPRISES, INC.
1690 ROBERTS BLVD., N.W., SUITE 121
KENNESAW GA 30144

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



7022 0410 0001 4901 7130

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Certified Mail Fee

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Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$
- ☐ Return Receipt (electronic) \$
- ☐ Certified Mail Restricted Delivery \$
- ☐ Adult Signature Required \$
- ☐ Adult Signature Restricted Delivery \$

Postage

\$

Total Postage at

\$

Sent To

Street and Apt. N

City, State, ZIP+

Tax Parcel – 20020702200
REDHOUSE LLC
5201 OLD GAYDON ROAD
POWDER SPRINGS, GA 30127

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



7022 0410 0001 4901 7147

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Certified Mail Fee

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- ☐ Return Receipt (hardcopy) \$
- ☐ Return Receipt (electronic) \$
- ☐ Certified Mail Restricted Delivery \$
- ☐ Adult Signature Required \$
- ☐ Adult Signature Restricted Delivery \$

Postage

\$

Total Postage at

\$

Sent To

Street and Apt. N

City, State, ZIP+

Tax Parcel – 20020702210
B & J TRUST
C/O MARY BULLOCK WARREN ANGELUCCI
4014 STONEBRIDGE LANE
RANCHO SANTE FE, CA 92091

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



[Illegible text]

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USPS
Permit No. G-10

9590 94 46 2132 39

R7 2024-04

**United States
Postal Service**

Senders: Please print your name, address, and ZIP+4® in this box.

CITY OF KENNESAW
 Planning & Zoning
 2529 J.O. Stephenson Avenue
 Kennesaw, GA 30144

USPS TRACKING#

First-Class Mail
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USPS
Permit No. G-10

9590 9402 7567 2046 0656

R72024-04

United States
Postal Service

Sender: Please print your name, address, and ZIP+4® in this box.

Attention: Planning & Zoning
City of Kennesaw
5525 J.O. Stephenson Avenue
Kennesaw, GA 30144

USPS TRACKING#

ATLANTA | RDC 302

THE

9590 0656 2578 2730 93

RZ2024-04

United States
Postal Service

Sender: Please print your name, address, and ZIP+4® in this box.

CITY OF KENNESAW
Attention: Planning Department
City of Kennesaw, Georgia 30144

Attention: Planning & Zoning
City of Kennesaw
2529 J.O. Stephenson Avenue
Kennesaw, GA 30144

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USPS TRACKING®

ATU ANTACCA RPD 302

100

9590 9190 2798 2197 79

RZ2024-04

**United States
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box.

CITY OF KENNESAW
Attention: Planning

Attention: Planning & Zoning
City of Kennesaw
2529 J.O. Stephenson Avenue
Kennesaw, GA 30144

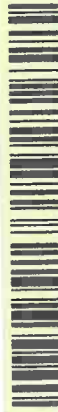
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SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
■ Print your name and address on the reverse so that we can return the card to you.
■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tax Parcel - 20020702200
REDHOUSE LLC
5201 OLD GAYDON ROAD
POWDER SPRINGS, GA 30127



9590 9402 7567 2098 2132 39

2. Article Number (Transfer from service label)

7022 0410 0001 4901 7130

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent ☐ Addressee
B. Received by (Printed Name) C. Date of Delivery
Guy Walters 10/21/24
D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

3. Service Type
☐ Priority Mail Express®
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail (over \$500)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
■ Print your name and address on the reverse so that we can return the card to you.
■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tax Parcel - 20017501140
NOBLE BEN F.
438 CHOWNING PLACE
MARIETTA GA 30064



9590 9402 7567 2098 2131 54

2. Article Number (Transfer from service label)

7022 0410 0001 4901 7031

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■ Print your name and address on the reverse so that we can return the card to you.
■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tax Parcel - 20017400140
DIODATI RAY L. & DIODATI RICH
POST OFFICE BOX 2595
KENNESAW, GA 30156



9590 9402 7567 2098 2130 93

2. Article Number (Transfer from service label)

7022 0410 0001 4901 6966

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Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent ☐ Addressee
B. Received by (Printed Name) C. Date of Delivery
Marie Walter 10/21/24
D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

3. Service Type
☐ Priority Mail Express®
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail (over \$500)

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent ☐ Addressee
B. Received by (Printed Name) C. Date of Delivery
Marie Walter 10/21/24
D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

3. Service Type
☐ Priority Mail Express®
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail (over \$500)

Domestic Return Receipt

USPS TRACKING #



9590 9402 7567 2018 2132 84 R22024-04

United States
Postal Service

Sender: Please print your name, address, and ZIP+4® in this box.
Oct 28 2024

CITY OF KENNESAW Planning & Zoning
City of Kennesaw

2529 J.O. Stephenson Avenue
Kennesaw, GA 30144

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

USPS TRACKING #



9590 9402 7567 2018 2132 84 R22024-04

United States
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USPS
Permit No. G-10

USPS TRACKING #



9590 9402 7567 2018 2132 84 R22024-04

United States
Postal Service

Sender: Please print your name, address, and ZIP+4® in this box.
Oct 28 2024

CITY OF KENNESAW Planning & Zoning
City of Kennesaw

2529 J.O. Stephenson Avenue
Kennesaw, GA 30144

As in past elections,
USPS Postage & Fees Paid
USPS
If you chipper, please mail early.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tax Parcel - 20020700120
LGE COMMUNITY CREDIT UNION
POST OFFICE BOX 1188
MARIETTA, GA 30061



9590 9402 7567 2098 2132 22

2. Article Number (Transfer from service label)

7022 0410 0001 4901 7086

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tax Parcel - 20017500080
FEDEX GROUND PACKAGE SYSTEM, INC.
1000 FEDEX DRIVE
MOON TOWNSHIP, PA 15108



9590 9402 7567 2098 2131 16

2. Article Number (Transfer from service label)

7022 0410 0001 4901 6980

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

- A. Signature [Signature] ☐ Agent ☐ Addressee
- B. Received by (Printed Name) Justin Brown C. Date of Delivery
- D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

3. Service Type
- | | |
|--|---|
| ☐ Adult Signature | ☐ Priority Mail Express® |
| ☐ Adult Signature Restricted Delivery | ☐ Registered Mail™ |
| ☐ Certified Mail® | ☐ Registered Mail Restricted Delivery |
| ☐ Certified Mail Restricted Delivery | ☐ Signature Confirmation™ |
| ☐ Collect on Delivery | ☐ Signature Confirmation Restricted Delivery |
| ☐ Collect on Delivery Restricted Delivery | |

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

- A. Signature [Signature] ☐ Agent ☐ Addressee
- B. Received by (Printed Name) Justin Brown C. Date of Delivery 8/08/20
- D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

3. Service Type
- | | |
|--|---|
| ☐ Adult Signature | ☐ Priority Mail Express® |
| ☐ Adult Signature Restricted Delivery | ☐ Registered Mail™ |
| ☐ Certified Mail® | ☐ Registered Mail Restricted Delivery |
| ☐ Certified Mail Restricted Delivery | ☐ Signature Confirmation™ |
| ☐ Collect on Delivery | ☐ Signature Confirmation Restricted Delivery |
| ☐ Collect on Delivery Restricted Delivery | |

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tax Parcel - 20017501200
ETHAN WARD REAL ESTATE LLC
316 HARVEST VIEW TERRACE
WOODSTOCK, GA 30188



9590 9402 7567 2098 2132 84

2. Article Number (Transfer from service label)

7022 0410 0001 4901 6942

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

- A. Signature [Signature] ☐ Agent ☐ Addressee
- B. Received by (Printed Name) Justin Brown C. Date of Delivery 10-12-20
- D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

3. Service Type
- | | |
|--|---|
| ☐ Adult Signature | ☐ Priority Mail Express® |
| ☐ Adult Signature Restricted Delivery | ☐ Registered Mail™ |
| ☐ Certified Mail® | ☐ Registered Mail Restricted Delivery |
| ☐ Certified Mail Restricted Delivery | ☐ Signature Confirmation™ |
| ☐ Collect on Delivery | ☐ Signature Confirmation Restricted Delivery |
| ☐ Collect on Delivery Restricted Delivery | |

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

- A. Signature [Signature] ☐ Agent ☐ Addressee
- B. Received by (Printed Name) Justin Brown C. Date of Delivery 10-12-20
- D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

3. Service Type
- | | |
|--|---|
| ☐ Adult Signature | ☐ Priority Mail Express® |
| ☐ Adult Signature Restricted Delivery | ☐ Registered Mail™ |
| ☐ Certified Mail® | ☐ Registered Mail Restricted Delivery |
| ☐ Certified Mail Restricted Delivery | ☐ Signature Confirmation™ |
| ☐ Collect on Delivery | ☐ Signature Confirmation Restricted Delivery |
| ☐ Collect on Delivery Restricted Delivery | |

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

USPS TRACKING#
ATLANTA GA RPDC 302
21 OCT 2024 PM 3 L

RZ2024-04

9590 90257058 111123
RECEIVED

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box*
OCT 23 2024

CITY OF KENNESAW
Planning & Zoning
City of Kennesaw
2529 J.O. Stephenson Avenue
Kennesaw, GA 30144

279799

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tax Parcel - 20017500140
LANG, INC.
1613 OLD HUNTERS TRACE
MARIETTA, GA 30062



9590 9402 7567 2098 2131 23

2. Article Number (Transfer from service label)

7022 0410 0001 4901 6997

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?

☐ Yes

☐ No

If YES, enter delivery address below:

3. Service Type

☐ Adult Signature

☐ Adult Signature Restricted Delivery

☒ Certified Mail®

☐ Certified Mail Restricted Delivery

☐ Collect on Delivery

☐ Collect on Delivery Restricted Delivery

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

ed Mail
ed Mail Restricted Delivery
\$500

Domestic Return Receipt



Item Report

TO: The Planning Commission

FROM: Darryl Simmons, Zoning Administrator

DATE: November 6, 2024

TITLE: **MISC2024-03** - Consideration for approval of a text amendment request as submitted by the City of Kennesaw. Said request is to amend the Unified Development Code, Appendix A, " Unified Development Code" Section 2.03.00 and Section 8.04.00 of said chapters as submitted by the City of Kennesaw.

Summary:

Recommendation:

Fiscal Impact:

Attachments:

1. MISC2024-03_Public Arts Exhibits_Packet

CITY OF KENNESAW, GEORGIA

ORDINANCE NO. 2024-____, 2024

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF KENNESAW, GEORGIA, APPENDIX A, UNIFIED DEVELOPMENT CODE, SECTION 2.03.00 “PUBLIC ART EXHIBITS” AND SECTION 8.04.00 “CITY OF KENNESAW ART AND CULTURE COMMISSION”

WHEREAS, the Unified Development Code of the City of Kennesaw is designed for the purpose of promoting the health, safety, morals, convenience, order, prosperity and general welfare of the City of Kennesaw and its individual and corporate citizens;

WHEREAS, the Unified Development Code contains ordinances that regulate the use of land and also contains standards that regulate the development of land;

WHEREAS, public hearings were duly advertised in the Marietta Daily Journal; and

WHEREAS, pursuant to Section 1-4 of the Code of Ordinances, Kennesaw, Georgia, the Code of Ordinances of Kennesaw, Georgia is hereby amended.:

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KENNESAW, COBB COUNTY, GEORGIA, AS FOLLOWS:

SECTION 1.

THAT SECTION 2.03.00 of the Unified Development Code, of the Code of Ordinance of the City of Kennesaw, Georgia, is hereby amended to read as follows: by deleting the text that is stricken through and by adding the text that is underlined.

2.03.00 PUBLIC ART EVENTS/ EXHIBITS

2.03.01 Purpose

It is the intent of the City of Kennesaw to permit and encourage public art exhibits on a content-neutral basis. Public art exhibits are a unique medium of expression which serves the public interest. Public art exhibits have purposes distinct from signs and confer different benefits, including improved aesthetics; avenues for original artistic expression; public access to original works of art; community participation in the creation of original works of art; and community building through the presence of and identification with original works of art, particularly those of cultural, historic, or social significance.

(Ord. No. 2013-15, 9-16-13; Ord. No. 2015-03, 2-16-15)

2.03.02 Definitions

Terms, phrases or words not expressly defined in this section are to be construed in accordance with the customary usage of such terms, phrases, or words. When necessary for a

reasonable construction of this chapter, words in the singular shall include the plural, words in the plural shall include the singular, and words used or defined in one tense or form shall include other tenses or derivative forms.

~~Administrator means the administrator of the arts in public places program.~~

~~Approving authority means the city manager or designee follows the existing budget and procurement processes.~~

Art on loan means artwork provided to the city to display for a predetermined period, which must be returned to the lender or owner after the loan period has expired.

Arts Programming Coordinator means the city staff designee responsible for programming of the arts in public places program.

Artist means a practitioner in the visual or performing arts, recognized by critics and peers as an individual with the ability to produce fine art.

Artist registry means the collection of artists and artworks used as a resource for the arts, the arts activities, and for the arts in public places program selection process.

Arts in public places means any artistically designed feature that is a display, performance, or demonstration in or on city-owned or city-controlled property. Arts in public places shall include a feature that enhances the aesthetics of a city structure, bridge, streetscape, or park.

Artwork or fine art means all forms of original creations of visual art, which may be portable or permanent. Artwork or fine art includes, but is not limited to:

- 1) Paintings of all media, frescoes, and murals;
- 2) Sculptures of any form and in any material or combination of materials, including statues, monuments, fountains, arches, or other structures intended for ornamentation or commemoration;
- 3) Inscriptions, stained glass, fiber works, carvings, mosaics, photographs, drawings, collages, textile works, and prints; and
- 4) Artist-designed landscapes and earthworks, including the artistic placement of natural materials or other functional art objects.

~~City of Kennesaw Art and Culture Commission (“Commission”). Comprised of seven (7) individuals that are appointed by the mayor and council whose duty is to provide review and regulatory oversight over all public art exhibits submitted for approval to the City of Kennesaw.~~

Cultural event is a vehicle through which cultural traditions and practices are transmitted through performances and exhibitions. They promote intercultural understanding and showcase various communities' rich and diverse cultural expressions.

Deaccessioning means the removal of artwork from the city's public art collection, including selling, auctioning, or trading of artwork from the public art collection.

Donation means art or monies donated to the city from a private individual, institution, or other outside source.

Murals. For purposes of this section, an original art mural exhibit means an original work of visual art which is tiled or painted directly upon or affixed directly to an exterior wall of a

building. A mural is not a "sign" as defined by and regulated by the City of Kennesaw Sign Regulations.

Permanent arts in public places means any permanent visual artwork that is approved to be displayed on or in a city park, right-of-way, or the interior or exterior of any city facility.

Project or art in public places project means the processes of commissioning, acquiring, selecting, or deaccessioning works of art on city property.

Public arts collection means all city-owned or controlled fine art.

Public Art Exhibits ("The Exhibit"). ~~Visual art is a fine~~ Art forms including sculptured works, performing arts, paintings, wall murals and any art arrangement located on private property that can be viewed by the general public on a permanent or temporary basis.

Performing Arts. A time-based fine arts form that features a live presentation to an audience and includes such arts as acting, poetry, music, dance, and theatre.

Temporary art in public spaces means any visual artwork on loan displayed in a city park, right-of-way, or the interior or exterior of any city facility. The artwork has a specified, temporary time period.

(Ord. No. 2013-15, 9-16-13; Ord. No. 2014-09, 7-21-14; Ord. No. 2015-03, 2-16-15)

2.03.03 General Regulations

1. Permitted locations: Public Art Exhibits and performing arts are allowed in all zoning districts within the corporate limits of the City of Kennesaw as well as publicly owned buildings and property approved by the city.
2. Public art exhibits and performing arts are subject to any and all additional zoning regulations in the district in which the exhibit will be located.

(Ord. No. 2013-15, 9-16-13; Ord. No. 2014-09, 7-21-14; Ord. No. 2015-03, 2-16-15)

2.03.04 Artist/Sponsor Acknowledgements and Title of Work

An incorporate image or attached plaque identifying the artist, financial sponsor(s) and title of work of the public art exhibit will be allowed. The plaque or image of acknowledgements and titles will be an appropriate scale to the public art exhibit, shall not exceed 6"x6" and will not be incorporated into the artwork.

2.03.05 Review and approval process of public art exhibits, murals, cultural events, and performing arts.

- A. All public art exhibits, performances and cultural events shall be required to submit a written application on forms provided by ~~the a~~ City of Kennesaw ~~Planning and Zoning Department~~ Arts Programming Coordinator staff designee for a site plan permit. A complete permit application will include an artist rendering or visual representation of the art work proposed, owners affidavits, photos of existing conditions on the property including location on permanent structures or buildings, description of materials to be

used in association with art work, maintenance agreement and schedules of maintenance, a rendering or visual representation of the plaque or image of acknowledgements and titles, and permit fee as adopted in the City of Kennesaw fee schedule. A complete application packet will be submitted to the ~~Planning and Zoning Administrator or staff~~ designee.

- B. The Kennesaw ~~Planning and Zoning Administrator or designee~~ Arts Programming Coordinator will process the application and forward for review to the ~~City of Kennesaw Art and Culture Commission on their prepared agenda~~ other appropriate staff members within thirty days of receipt of application. The ~~Planning and Zoning Administrator staff designee~~ upon receipt of application, will review property for issues dealing with traffic issues and other city ordinances prior to ~~processing for Art and Culture meeting agenda~~ rendering a decision to approve or deny the visual, performing art, and/or public art application. Final approval by the City Manager is required prior to issuance of application approval. The ~~Planning and Zoning Administrator or designee~~ will implement the following procedures for public notification: 1) Post a sign at the property at least ten days before the first public meeting alerting public of the time, date and location of the meeting where application will be considered; 2) Post application information and meeting information on the City of Kennesaw website; 3) Mailing of letters at least ten days prior to the first public meeting to property owners listed on the Cobb County Tax assessors records whose property are adjacent or abut the property that is referenced on the application. Said letter will provide application information, time, date and location of the Art and Culture Commission and Mayor and Council meetings. After the application has been reviewed, a written recommendation is rendered by the Art and Culture Commission. The application will then be forwarded to the Mayor and Council for final review and action by vote.
- C. The ~~commission~~ Arts Programming Coordinator will review and ~~render~~ provide the City's written recommendations to the Mayor and Council by vote on decisions to deny or approve to applicant (s) to all submitted site plan permit applications, ~~during a scheduled meeting~~. The property owner(s) or an official representative must be present at all meetings. The ~~commission~~ Arts Programming Coordinator will provide a findings document in the form of minutes that will provide the basis of decisions. ~~Permit applications will reflect the recommendation of the commission to the Mayor and Council with the appropriate signature from the chairperson of said commission.~~ contingent on City Departments venues, spaces, costs, and program availability/conflicts.
- D. Any proposed locations in the Central Business District, Historic Preservation District or other historic districts ~~will~~ may require a written recommendation from the Historic Preservation Commission.
- E. The applicant shall be required to attend all scheduled meetings, ~~of the commission and all scheduled meetings of the Mayor and Council.~~
- F. All approved site plan permits for permanent art exhibits will be in effect for ~~seven years~~ a determined time period (based on exhibit period and City programs) from the date of

approval. The ~~commission~~ Arts Programming Coordinator will accept a renewal application if the art exhibit is to continue.

- G. All site plan permits for temporary and rotating exhibits, ~~including acknowledgement and titles, cultural events, and performances~~ shall have expiration dates based on the time period scheduled for the event.
- H. All proposed changes to public art exhibits, including acknowledgement and titles, shall be submitted to the ~~commission~~ Arts Programming Coordinator for review and ~~approval~~ coordination with staff.

2.03.06 Denial of site plan permit applications

- A. In any instance where the application is denied by ~~the Mayor and Council~~ staff through the Arts Programming Coordinator, the applicant may file an appeal to ~~the Superior Court in the manner provided by law under O.C.G.A. tit. 5, ch. 3.~~ city manager's office who may refer the issue to a committee of internal and external stakeholders comprised of staff, arts organization representatives, and businesses to review the appeal for consideration.
- B. When an application for a permit under this chapter is denied ~~by the Mayor and Council~~, the city shall not accept or consider an application for a permit under this chapter from that applicant or for the same exhibit within ninety (90) days of the denial.

(Ord. No. 2013-15, 9-16-13; Ord. No. 2014-09, 7-21-14; Ord. No. 2015-03, 2-16-15)

2.03.07 City of Kennesaw Art and Culture ~~Commission~~ Administration

~~A. Duties~~

- ~~1. Provide review, recommendations and regulatory oversight over all public art exhibits submitted for approval to the City of Kennesaw Mayor and Council.~~
- ~~2. Provide recommendations to Mayor and Council, city departments and boards regarding programs and community outreach activities that promote local cultural and artistic awareness and education.~~

~~B. Structure~~

~~The commission will be comprised of seven (7) individuals appointed by Mayor and Council. The members will include:~~

- ~~1. A practicing architect licensed in the State of Georgia;~~
- ~~2. An active participant in local or state art councils or member of art/cultural foundations with professional background in art programs or art culture education;~~
- ~~3. An active student or professor from a college, university, technical school or other educational institution;~~

- ~~4. A business owner within the city limits of Kennesaw;~~
- ~~5. A current Cobb County resident; and~~
- ~~6. Of the seven (7) members, four shall be residents of the City of Kennesaw.~~
- ~~C. The commission will have staggered term limits as approved by the Mayor and Council.~~
~~The commission will have annual elections to elect a Chairperson, Vice Chairperson and Secretary. All meetings will follow the Roberts Rules of Order latest edition.~~

A. Art Programming Coordinator

The city manager shall designate an administrator of the arts in public places program to perform the functions described in this chapter. The Arts Programming Coordinator is responsible for maintaining an inventory of the city's public art collection, identifying and supervising maintenance plans for the city's public art collection, and serving as a liaison to staff and the community. The Art Programming Coordinator's duties include:

1. Reviews at least annually the approval process of public art exhibit requests to the City.
2. Provides oversight, coordinates with City staff, and obtains approval from the city manager's office regarding all public art exhibits, performing arts, and cultural events on private property.
3. Works with City departments to facilitate installation, arts opportunities, and performances based on timeline of annual and special event programs.
4. Issues artist contracts approved by the City Manager for installations, exhibits, and performances to address scheduling, and expiration of authorizations/permits.
5. With the Smith-Gilbert Gardens serving as an arts incubator to feed cultural resources into the City, develops partnerships with public and private organizations to provide arts and culture activities which extend from the Gardens other departments, stakeholders, and partners.
6. Provide review, and coordinate decisions over all public art exhibits, performing arts and cultural events submitted for approval to the City of Kennesaw.
7. Provide updates to Mayor and Council, city departments and boards regarding programs and community outreach activities that promote local cultural and artistic awareness and education.
8. Provide oversight and direction to the Art Advisory Committee regarding promoting of Art events, education, and partnerships with other public or private agencies.
9. Develop partnerships with City departments, and community organizations (local arts organizations, neighboring municipalities, school systems, and Downtown Develop Authority), to provide arts and culture activities to the City.

B. Art Advisory Committee

1. Creation of an Art Advisory Committee, Member Qualifications, and Appointment
 - i. There is hereby created an advisory committee called the "Kennesaw Public Art Advisory Committee."

- ii. The “committee” shall consist of community members with a professional interest in or outstanding knowledge of the arts that will be appointed by the City Manager.
 - iii. There shall be five community members whose qualifications shall include, but are not limited to, public art, visual art, architecture, environmental design, music, performance, literary art, or others who have demonstrated a professional interest in or outstanding knowledge of the arts.
 - iv. Qualifications of community members shall be reviewed and considered by the City Manager for their demonstrated background, education and expertise in the visual arts, public art, architecture, or related professions.
2. Member Terms
- i. Members of the committee shall serve two-year terms. Initial appointments shall consist of two members with one-year terms and three members with two-year terms. Members shall not receive compensation.
3. Meetings
- i. The committee shall meet on an as needed basis.
4. Duties and Powers
- i. The committee shall provide feedback to the Arts Programming Coordinator as needed for application reviews and proposals.
 - ii. The committee shall endeavor to increase the visibility and awareness of public art through outreach, education, and collaboration.

(Ord. No. 2013-15, 9-16-13; Ord. No. 2014-09, 7-21-14; Ord. No. 2015-03, 2-16-15)

2.03.08 Prohibited public art exhibits

Prohibited public art exhibits include:

- A. A "sign" as defined and regulated by the City of Kennesaw adopted sign ordinance.
- B. The exhibit contains sexually explicit conduct or sexually explicit nudity, as defined in the Code of Ordinances, Chapter 22 Article XIV, section 22-393.
- C. The exhibit contains gang affiliation symbols.
- D. The exhibit contains content or images which violate the criminal laws of the State of Georgia.
- E. The exhibit is distracting enough to create a public safety issue by impeding traffic flow.
- F. The exhibit incorporates materials that are not weather resistant or may be toxic in any way that may endanger the general public.
- G. The exhibit incorporates any materials in violation of the citywide architectural standards or the historic district standards.
- H. Art objects that are mass produced of standard design such as playground equipment, benches, statuary objects, or fountains.
- I. Reproductions of original works of art.

J. Existing works of art offered for sale or donation to the City which does not have an established and recognized significance as public art among art professionals and art appraisers.

K. Logos or corporate identity.

(Ord. No. 2013-15, 9-16-13; Ord. No. 2014-09, 7-21-14; Ord. No. 2015-03, 2-16-15)

2.03.09 Items not applicable to this ordinance

The following items are not subject to the application of this ordinance:

- A. Decorative or functional elements or architectural details, which are designed solely by the building architect as opposed to an artist commissioned for this purpose working individually or in collaboration with the building architect.
- B. Decorative displays located on single family attached and detached zoning districts including Planned Unit Development districts.
- C. Landscape architecture and landscape gardening except where these elements are designed by an artist and are an integral part of the work of art by the artist.

(Ord. No. 2013-15, 9-16-13; Ord. No. 2014-09, 7-21-14; Ord. No. 2015-03, 2-16-15)

2.03.10 Non-Conforming exhibits

- A. All exhibits that are in existence at the time of the adoption of this ordinance that meet the definitions of this chapter shall continue until there are improvements or physical change in the exhibit of 50% or more or if deterioration is identified as per section 2.03.11.
- B. All exhibits that do not meet the definitions of this chapter shall be reviewed for further action as set forth in section 2.03.11.

(Ord. No. 2013-15, 9-16-13; Ord. No. 2014-09, 7-21-14; Ord. No. 2015-03, 2-16-15)

2.03.11 Maintenance and violations

- A. The ~~Planning and Zoning Department~~ Arts Programming Coordinator shall be charged with authority to order the painting, repair, alteration, or removal of public art exhibits which violate the requirements of this chapter, become dilapidated or are abandoned. A public art exhibit shall be deemed to be dilapidated when 25% or more of the display surface area contains peeling or flaking paint, deteriorated components or parts, or is otherwise not preserved in the manner in which it was originally created.
- B. Violation of this ordinance will result in the City of Kennesaw issuing a written notice to address the violation of this chapter. Notice of violation will be sent certified mail to the

applicant and property owner of record. The applicant and property owner shall be granted 30 days from the date of said notice to comply with this ordinance or remove the exhibit. Failure to comply with this ordinance shall result in the revocation of the approved site plan permit requiring the removal of the approved art exhibit at the applicant and the property owner's expense.

C. If the public art exhibit is not brought into compliance or removed after notice is issued, the public art exhibit in violation shall be deemed a nuisance under section 46-31 and enforcement procedures defined under sections 46-500 through 46-505 ~~46-32, 46-33 and 46-34~~ of the Code of Ordinances of Kennesaw. Abatement of the nuisance may involve the painting, repair, alteration, or removal of the public art exhibit at the applicant and property owner's expense. The property owner shall be responsible for any and all costs and fees associated with the painting, repair, alteration or removal of the public art exhibit as set forth in section ~~46-33~~502.

D. All costs and fees, including reasonable attorney fees, shall be a lien against the real property upon which such cost was incurred in the same manner as set forth in section ~~46-33~~502.

(Ord. No. 2013-15, 9-16-13; Ord. No. 2014-09, 7-21-14; Ord. No. 2015-03, 2-16-15)

SECTION 2.

THAT SECTION 8.04.00 of the Unified Development Code, of the Code of Ordinance of the City of Kennesaw, Georgia, is hereby amended to read as follows: by deleting the text that is stricken through.

~~8.04.00 CITY OF KENNESAW ART AND CULTURE COMMISSION~~

~~8.04.01 Establishment of the Art and Culture Commission~~

~~A. The local governing body or bodies of one or more municipalities lying wholly or partially within such county may establish or designate an art and culture commission. If a joint commission is established, the local governing bodies of the county and the municipality or municipalities involved shall determine the residence requirements for members of the joint commission.~~

(Ord. No. 2013-15, 9-16-13; Ord. No. 2015-03, 2-16-15)

~~8.04.02 Creation~~

~~A. The Kennesaw Art and Culture Commission is hereby created, consisting of not more than seven members of which at least four members must be City of Kennesaw residents appointed by the Mayor and Council. The members shall include:~~

- ~~1. A practicing architect licensed in the State of Georgia;~~

- ~~2. An active participant in local or state art councils or member of art/cultural foundations with professional background in art programs or art culture education;~~
- ~~3. An active student or professor from a college, university, technical school or other educational institution;~~
- ~~4. A business owner within the city limits of Kennesaw;~~
- ~~5. A current Cobb County resident;~~
- ~~6. Of the seven (7) members, four shall be residents of the City of Kennesaw.~~
- ~~B. The members of the commission shall be appointed for two year staggered terms as vacancies occur.~~
- ~~C. Members shall be eligible for reappointment.~~
- ~~D. Members serve at the pleasure of the Mayor and Council and may be removed at any time with or without cause by a majority vote of the Mayor and Council.~~

~~(Ord. No. 2013-15, 9-16-13; Ord. No. 2014-09, 7-21-14; Ord. No. 2015-03, 2-16-15)~~

~~8.04.03 Meetings~~

- ~~A. The City of Kennesaw Art and Culture Commission shall meet as needed.~~
- ~~B. A public record shall be kept of the commission's resolutions, proceedings, and actions.~~
- ~~C. Meetings shall be conducted according to the most recent version of the Robert's Rules of Order, unless it is announced at the beginning of the meeting that those Rules will not be used.~~

~~(Ord. No. 2013-15, 9-16-13; Ord. No. 2014-09, 7-21-14; Ord. No. 2015-03, 2-16-15)~~

~~8.04.04 Conflicts of Interest~~

~~At any time the Kennesaw Art and Culture Commission reviews a project in which a member of the commission has ownership or other economic or vested interest including the involvement of relatives, that member will be restricted from presenting, voting or discussing the project, other than answering a direct question.~~

~~(Ord. No. 2013-15, 9-16-13; Ord. No. 2014-09, 7-21-14; Ord. No. 2015-03, 2-16-15)~~

~~8.04.05 Duties, Responsibilities and Powers~~

~~The City of Kennesaw Art and Culture Commission shall be authorized and encouraged to:~~

- ~~A. Recommend to the Mayor and Council, city departments and boards regarding programs and community outreach activities that promote local cultural and artistic awareness and education.~~
- ~~B. Review all applications requesting the issuance of a site plan permit and to provide a recommendation to Mayor and Council to grant or deny submitted applications in accordance with the provisions of this ordinance.~~

~~(Ord. No. 2013-15, 9-16-13; Ord. No. 2014-09, 7-21-14; Ord. No. 2015-03, 2-16-15)~~

CITY OF KENNESAW
ORDINANCE NO. 2024-____, 2024

8.04.06 Appeals

~~Appeals from decisions of the Mayor and Council may be taken to the Superior Court of Cobb County in the manner provided by law under O.C.G.A. tit. 5, ch. 3.~~

~~(Ord. No. 2013-15, 9-16-13; Ord. No. 2014-09, 7-21-14; Ord. No. 2015-03, 2-16-15; Ord. No. 2023-16, § 6, 8-21-23)~~

8.04.07 ~~Guidance standards and maintenance of consistent policies~~

~~In order to provide guidance and insight into desirable goals and objectives for the City of Kennesaw Art and Culture Commission, the commission shall maintain a file containing records of all applications brought before the commission for review. Each file shall include: the action taken by the commission; drawings submitted; amendments of drawings approved pertaining thereto; and drawings and photographs or reproductions thereof showing structures in authentic Kennesaw character. Where in the commission's opinion these files or records serve as general guides to appropriateness or as expressions of objectives to property owners or artists, these files may be referred to for use on other applications. Such documents shall remain the property of the City of Kennesaw and be held in the custody of the Zoning Administrator.~~

~~(Ord. No. 2013-15, 9-16-13; Ord. No. 2015-03, 2-16-15)~~

SECTION 3.

BE IT FURTHER ORDAINED THAT this ordinance shall become effective on and after its adoption and execution by the mayor, pursuant to Section 2.11 of the City Charter of the City of Kennesaw.

PASSED AND ADOPTED by the Kennesaw City Council on this ____ day of _____, 2024.

ATTEST:

CITY OF KENNESAW:

Lea Alvarez, City Clerk

Derek Easterling, Mayor

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Phone: (770)424-8274

Fax#:

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AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

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Name (signature)

.

MDJ-7910
GPN-16
CITY OF KENNESAW
PUBLIC NOTICE

Notice is hereby given that the City of Kennesaw shall hold public hearings to amend the Unified Development Code. The proposed amendment is to amend Appendix A "Unified Development Code" CHAPTER 2, Section 2.03.00 "Public Art Exhibits" and CHAPTER 8, Section 8.04.00 "City of Kennesaw Art and Culture Commission".

A copy of the amendment to the Unified Development Code is on file in the Office of Planning and Zoning during normal business hours, Monday-Friday from 8 a.m. to 5 p.m. for public viewing. The Planning Commission shall hold a meeting on November 6, 2024 at 6:30 p.m. with a final scheduled hearing and adoption by the Mayor and Council to be considered on November 18, 2024 at 6:30 p.m. Meetings will be held in the Kennesaw City Council Chambers, 2529 J.O. Stephenson Avenue, Kennesaw, GA. All interested persons may attend and be heard relative there to.

Mayor and Council will be conducting their meeting in person and you can access the meeting via the following link: <https://www.kennesaw-ga.gov/publicmeetings/>

Any interested citizens are invited to email kennesawcouncil@kennesaw-ga.gov.

10:18-2024

**MDJ-7910
GPN-16
CITY OF KENNESAW
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10:18-2024



Item Report

TO: The Planning Commission

FROM: Darryl Simmons, Zoning Administrator

DATE: November 6, 2024

TITLE: **PP2024-01** - Consideration for approval of a preliminary plat as submitted by Tyler Shoop located at 3057 N. Main Street (Parcel ID: 20012702300) for the development of a 38 unit townhome community. The property is located on 5.98+/- acres, and lies in land lot 127, tax parcel 23.

Summary:

Recommendation:

Fiscal Impact:

Attachments:

1. PP2024-01_ 3057 N Main St_Preliminary Plat Application_Packet



Community Development
Planning & Zoning Department
2529 J. O. Stephenson Avenue
770-590-8268

Darryl Simmons
Planning & Zoning Administrator

Rashida Williamson
Zoning Clerk

PRELIMINARY, FINAL, REVISED PLAT & EXEMPTION PLAT APPLICATION

Required Fees - \$250.00

If property is identified as being located within the Kennesaw Historic District and there are to be any exterior improvements or changes to be made such as, façade, parking, landscaping, signage, etc. applicant must follow application procedures to the Historic Preservation Commission.

Please consult with Planning and Zoning Staff.

A MINIMUM OF ONE CONSULTATION WITH PLANNING AND ZONING ADMINISTRATOR AND PLAN REVIEW STAFF PRIOR TO THE APPLICATION SUBMISSION.

When the application and all checklist items have been properly completed and filed with the Planning and Zoning Department, the applicant will be notified of the date of hearing(s).

- ☐ Original application completed, signed and notarized.
- ☐ Copy of the warranty deed for said property that includes the full legal description/ in word format.
- ☐ Copy of the current taxes paid in full for said property from the City and Cobb County Tax Departments
- ☐ A copy of the survey-plat shall be submitted in a PDF file format “.dwg” or “.shp” in State Plane Coordinates in PDF Format.
- ☐ A physical copy of the full size survey-plat shall be submitted in a paper format in State Plane Coordinates with all signatures.
- ☐ Plat Fees – \$250.00
- ☐ Completed application and supporting documents listed on one Flash Drive or email to dsimmons@kennesaw-ga.gov in PDF format



Preliminary, Final & Revised

Plat

Checklist

After the construction documents have been approved and permits issued for land disturbance and grading, all improvements should be installed and inspected by the necessary departments and a final plat should be submitted for approval and recording. This applies to all developments in the City of Kennesaw, subdivisions as well as commercial projects.

Application for Preliminary/Final Plat Approval for Plan Review Only

1. Letter requesting review & approval of a preliminary/final plat
2. A copy of plat in PDF Format
3. Schedule Plan Review Meeting

Preliminary Plat Application to Planning Commission

1. Completed signed application with all signatures including plat on one Flash Drive or email to dsimmons@kennesaw-ga.gov in PDF format

Final Plat Application to Mayor & Council ONLY

1. Copy of plat and one completed application with all signatures on Flash Drive in PDF Format
2. All rules & regulations must be met and signed off by the Plan Review Committee.
3. Letter from City Public Works Director accepting the installation of improvements: streets, curbs, gutters, storm drains, etc.
4. Letter accepting water & sewer from Cobb County.
5. Letter for payment of streetlights from Power Company.
6. Letter from paving contractor for one-year maintenance period on street pavement.
7. Letter from contractor for one-year maintenance period for curb and gutter.
8. Copy of performance bond/cash deposit/escrow account.
9. Copy of maintenance bond.

Recording of Final Plat (After Mayor & Council Approval)

Once approved & signed by the Mayor and Council, record approved Final Plat in the office of the Superior Court, Cobb County, Georgia.

Return copy of the final recorded plat on Flash Drive in DWG and PDF format to the Planning & Zoning Department.



CONSISTENT WITH THE UNITED STATES CONSTITUTION AND THE RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT OF 2000, THE CITY OF KENNESAW DOES NOT DISCRIMINATE ON THE BASIS OF RELIGION IN THE APPLICATION OF ITS LAWS, POLICIES, OR PROCEDURES, INCLUDING THE APPLICATION OF ITS LAND USE REGULATIONS AND ZONING LAWS.

Under the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA"), no government, including the City of Kennesaw, may apply its zoning or land use laws in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution. RLUIPA also provides that no government, including the City of Kennesaw, may apply a land use regulation in a manner that treats a religious assembly or institution (a church, for example) on less than equal terms than a nonreligious institution or assembly (a day care center or movie theater, for example). Finally, RLUIPA provides that no government, including the City of Kennesaw, may impose or implement a land use regulation in a manner that discriminates against a religious assembly or institution.

If you believe that the City of Kennesaw, or any other local government or municipality, has discriminated against you in the implementation of its zoning or land use laws, please contact the United States Department of Justice at:

United States Department of Justice
Civil Rights Division
Housing and Civil Enforcement Section
950 Pennsylvania Ave. N.W. -G St.
Washington, DC 20530



Date Received 10/23/24
Staff's Initials CMC

PRELIMINARY, FINAL AND REVISE PLAT APPLICATION
Required Fee \$250.00

Preliminary Plat X Final Plat _____ Revised Plat _____ Parcel Combination _____ Parcel Split _____

Is this property located within the Kennesaw Historic District (yes) _____ (no) X

A MINIMUM OF ONE CONSULTATION WITH PLANNING AND ZONING ADMINISTRATOR AND PLAN REVIEW STAFF PRIOR TO THE SUBMISSION OF THE APPLICATION IS MANDATORY.

Date of Consultation 10/22/24 Staff Initials _____

DEVELOPMENT NAME Cantrell Crossing Number of Units _____

PURPOSE OF DEVELOPMENT 38 unit townhome community

WHAT IS THE REVISION BEING MADE N/A

ADDRESS OF PROPERTY 3057 N MAIN St

Parcel ID 20012702300 Lot Size 5.98 acres Present Zoning PUD-R

Current Use Undeveloped Proposed Use Townhomes

APPLICANT Tyler Shoop

Applicant address [REDACTED]

(Phone #) [REDACTED] Email Address [REDACTED]

Applicant Signature Tyler Shoop

Signed, sealed and delivered in presence of:

[Signature]
Notary

10/22/24
Date



REPRESENTATIVE Phillip Lucas (Phone #) [REDACTED] Email Address [REDACTED]

Representative Signature Phillip Lucas

Signed, sealed and delivered in presence of:

[Signature]
Notary

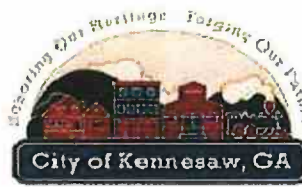
29 Oct 2024
Date

TITLEHOLDER Christ Community Church (Phone #) _____

Titleholder Signature Phillip Lucas Address 4255 Wade Green Rd Kennesaw, GA 30144

Signed, sealed and delivered in presence of Notary [Signature]

Date 29 Oct 2024



CAMPAIGN DISCLOSURE REPORT¹ BY APPLICANT²

A separate form must be completed by each applicant

Has the applicant made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating two hundred fifty dollars (\$250.00) or more or made gifts having in the aggregate a value of two hundred fifty dollars (\$250.00) or more to a member or members of the Mayor and Council or Planning Commission who will consider the application? NO

If "Yes," the applicant and the attorney representing the applicant must file a disclosure report with the Mayor and Council of the City of Kennesaw within ten (10) days after this application is first filed.

Please supply the following information that will be considered as the required disclosure:

The name of the member(s) of the Mayor and Council or Planning Commission to whom the campaign contribution or gift was made:

N/A

The dollar amount of each campaign contribution made by the applicant to the member(s) of the Mayor and Council or Planning Commission during the two (2) years immediately preceding the filing of this application and the date of each such contribution:

N/A

An enumeration and description of each gift having a value of two hundred fifty dollars (\$250.00) or more made by the applicant to the member(s) of the Mayor and Council or Planning Commission during the two (2) years immediately preceding the filing of this application:

I certify that the foregoing information is true and correct, this 22nd day of October, 2024


Applicants Signature

¹ If the answer to any of the above is "Yes," then the member of the Mayor and Council or Planning Commission must immediately disclose the nature and extent of such interest, in writing, to the Mayor and Council of the City of Kennesaw, Georgia. A copy should be filed with this application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

² Applicant means any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.

A TRACT OF LAND SITUATED IN LAND LOTS 127 AND 140 OF THE 20TH DISTRICT, 2ND SECTION, COBB COUNTY GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE EASTERLY END OF THE MITERED INTERSECTION OF THE EASTERLY MARGIN OF RUTLEDGE ROAD (50 FOOT WIDE RIGHT-OF-WAY) AND THE SOUTHERLY MARGIN OF NORTH MAIN STREET, a.k.a OLD U.S. HIGHWAY 41 (VARIABLE WIDTH RIGHT-OF-WAY); THENCE ALONG SAID SOUTHERLY MARGIN OF NORTH MAIN STREET THE FOLLOWING FOUR COURSES: 1) THENCE (A GRID BEARING) SOUTH 71°06'41" EAST A DISTANCE OF 353.18 FEET TO A CONCRETE MONUMENT FOUND; 2) THENCE SOUTH 58°56'16" EAST A DISTANCE OF 12.97 FEET TO A CONCRETE MONUMENT FOUND; 3) THENCE SOUTH 70°35'57" EAST A DISTANCE OF 137.65 FEET TO A CONCRETE MONUMENT FOUND; 4) THENCE, SOUTH 41°16'49" EAST A DISTANCE OF 18.65 FEET TO A CONCRETE MONUMENT FOUND; THENCE LEAVING SAID SOUTHERLY MARGIN OF NORTH MAIN STREET, SOUTH 18°57'54" WEST A DISTANCE OF 61.95 FEET TO A 1/2 INCH REBAR FOUND; THENCE SOUTH 71°02'32" EAST A DISTANCE OF 103.98 FEET TO A MAG NAIL FOUND IN THE TOP OF A WALL; THENCE SOUTH 16°00'50" WEST A DISTANCE OF 224.75 TO THE NORTHWEST CORNER OF THE KENNESBOROUGH SQUARE PHASE III PLAT AS RECORDED IN PLAT BOOK 138, PAGE 72 IN THE PUBLIC RECORDS OF COBB COUNTY, GA; THENCE CONTINUE ALONG THE LAST DESCRIBED COURSE AND ALONG THE WEST LINE OF SAID PLAT SOUTH 16°00'50" WEST A DISTANCE OF 64.62 TO THE NORTHEAST CORNER OF THE FINAL PLAT FOR CANTRELL CROSSING AS RECORDED IN PLAT BOOK 279, PAGE 719 IN AFORESAID PUBLIC RECORDS, BEING A CAPPED REBAR SET (LB 7832) AND LYING 4.27 FROM A 1/2 INCH REBAR FOUND ON THE PREVIOUS COURSE; THENCE ALONG THE NORTHERLY LINE OF SAID PLAT FOR CANTRELL CROSSING THE FOLLOWING FIVE COURSES: 1) THENCE NORTH 71°00'50" WEST A DISTANCE OF 153.04 FEET TO A CAPPED REBAR SET (LB 7832); 2) THENCE SOUTH 15°41'18" WEST A DISTANCE OF 85.81 FEET TO A CAPPED REBAR SET (LB 7832); 3) THENCE SOUTH 86°03'56" WEST A DISTANCE OF 11.34 FEET TO A CAPPED REBAR SET (LB 7832); 4) THENCE NORTH 71°45'13" WEST A DISTANCE OF 393.71 FEET TO A CAPPED REBAR SET (LB 7832); 5) THENCE NORTH 00°20'14" WEST A DISTANCE OF 44.55 FEET TO A 1-1/2 INCH PIPE FOUND; THENCE NORTH 00°08'44" WEST A DISTANCE OF 268.20 FEET TO THE EASTERLY MARGIN OF AFORESAID SAID RUTLEDGE ROAD, TO A 1/2 INCH REBAR FOUND AND BEING ALONG A CURVE CONCAVE NORTHWESTERLY; THENCE ALONG SAID EASTERLY MARGIN OF RUTLEDGE ROAD AND CURVE AN ARC DISTANCE OF 133.85 FEET, HAVING A RADIUS OF

Jay C. Stephenson

Jay C. Stephenson
Clerk of Superior Court Cobb Cty. Ga.

RR
RETURN TO:
MOORE INGRAM JOHNSON & STEELE, LLP
192 ANDERSON ST.
MARIETTA GA 30060

08R115.1

LIMITED
WARRANTY DEED

STATE OF GEORGIA

COUNTY OF COBB

THIS INDENTURE, made the 1st day of August, in the year TWO THOUSAND EIGHT,
between

THE JILES DEVELOPMENT PARTNERSHIP
A Georgia general partnership
Comprised of William N. Jiles, Jr., John David Jiles, and
William N. Jiles, Jr., as Trustee of
The Helen Jiles Trust

of the County of Cobb, and State of Georgia, as party or parties of the first part, hereinafter
called Grantor, and

CHRIST COMMUNITY CHURCH OF COBB COUNTY PCA, INC.
A Georgia non-profit corporation

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and
"Grantee" to include their respective heirs, successors and assigns where the context requires or
permits).

WITNESSETH that: Grantor, for and in consideration of the sum of OTHER VALUABLE
CONSIDERATIONS AND TEN AND NO/100 DOLLARS (\$10.00) in hand paid at and before the
sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted,
bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain,
sell, alien, convey, and confirm unto the said Grantee,

All that tract or parcel of land lying and being in Land Lot 127 of the 20th District, 2nd
Section, City of Kennesaw, Cobb County, Georgia, and being more particularly described
on Exhibit "A" attached hereto and made a part hereof by this reference.

This conveyance is made subject to all easements, covenants and restrictions of record.

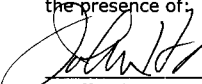
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the Grantee forever in FEE SIMPLE.

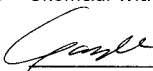
AND THE SAID Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of all persons CLAIMING BY, THROUGH, OR UNDER GRANTOR, BUT NOT OTHERWISE.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

THE JILES DEVELOPMENT PARTNERSHIP
A Georgia general partnership

Signed, sealed and delivered in
the presence of:


Unofficial Witness

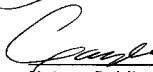

Notary Public



By:  (Seal)
William N. Jiles, Jr.
General Partner

Signed, sealed and delivered in
the presence of:

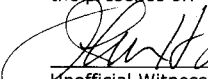

Unofficial Witness


Notary Public



By:  (Seal)
John David Jiles
General Partner

Signed, sealed and delivered in
the presence of:


Unofficial Witness


Notary Public



By:  (Seal)
William N. Jiles, Jr., as Trustee
Of The Helen Jiles Trust
General Partner

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 127 of the 20th District, 2nd Section, City of Kennesaw, Cobb County, Georgia, and being 5.05 acres designated as Tract 2 on that certain ALTA/ACSM Survey prepared for Christ Community Church of Cobb County PCA, Inc., Tigor Title Insurance Company, and KeyWorth Bank, dated February 26, 2008, revised August 1, 2008, prepared by Travis Pruitt & Associates, Inc., Jon G. Adams, Georgia Registered Land Surveyor No. 2768, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, commence at a 1/2" rebar found at the intersection of the easterly right of way of Rutledge Road (having a 50 foot right of way) with the southwesterly right of way of North Main Street (aka Old US 41 Highway, aka State Route 293, aka Old Dixie Highway, having a 60 foot right of way); thence proceed in a southerly direction as measured along the easterly right of way of Rutledge Road and following the curvature thereof, an arc distance of 167.24 feet (said arc being subtended by a chord bearing south 10 degrees 52 minutes 18 seconds west, a chord distance of 166.20 feet, and having a radius of 432.25 feet) to a point; thence leaving said right of way and proceeding thence south 00 degrees 09 minutes 26 seconds east for a distance of 53.61 feet to a point and corner, said point and corner being the TRUE POINT OF BEGINNING; thence running south 71 degrees 07 minutes 27 seconds east for a distance of 629.54 feet to a point and corner; thence running south 15 degrees 59 minutes 24 seconds west for a distance of 84.38 feet to a 1/2" rebar found; thence running south 16 degrees 00 minutes 38 seconds west for a distance of 300.23 feet to a point and corner; thence running north 71 degrees 07 minutes 27 seconds west for a distance of 515.50 feet to a point and corner; thence running north 00 degrees 26 minutes 54 seconds west for a distance of 68.37 feet to a 3/4" open top pipe found; thence running north 00 degrees 20 minutes 21 seconds west for a distance of 123.68 feet to a 1/2" open top pipe found; thence running north 00 degrees 09 minutes 26 seconds west for a distance of 214.55 feet to the point of BEGINNING. (Purchase)

432.25 FEET, A CHORD BEARING OF NORTH 13°02'35" EAST AND A CHORD DISTANCE OF 133.32 FEET, BEING A CAPPED REBAR SET (LB 7832); THENCE NORTH 61°46'25" EAST FOR A DISTANCE OF 44.09 FEET TO THE POINT OF BEGINNING. HAVING AN AREA OF 2,112 SQUARE FEET, OR 5.964 ACRES, MORE OR LESS.



Tyler Shoop
CRAWFORD CREEK COMMUNITIES, INC.
400 Northridge Road
Atlanta, GA 30350

This memo is to inform the council regarding agenda item PP2024-01 on the Planning Commission set for November 6, 2024. One comment may remain outstanding at the time of the meeting, issued by Ricky Stewart, requesting a written agreement between the applicant and the homeowners association of the neighboring subdivision, Cantrell Crossing, to allow for the proposed subdivision to tie their street into their Hedgeway Circle (a private street).

Through preliminary meetings with the City, it was understood by the applicant that Hedgeway Circle was a public street, but it was brought up by Mr. Stewart that, although indicated as a public street on the recorded final plat of Cantrell Crossing, the streets were not formally accepted upon warranty expiration. A meeting is being arranged between Cantrell Crossing's HOA President and Crawford Creek Communities to have an agreement signed and brought to the City as soon as possible. The applicant requests that the preliminary plat be motioned for approval with the stipulation that the agreement is completed during planning.

Thank you for your understanding and please feel free to reach out with any questions or concerns.

Sincerely,

Tyler Shoop

302-540-5998

tyler@crawfordcreekcommunities.com

FILE NAME: K:\24004567-North Main Street-Kennesaw\24004567-PRELIMINARY-PLAN.dwg, LAST SAVED BY: jshanks 11/5/2024 9:00 AM, PLOTTED BY: Brandon Burtis 11/5/2024 4:49PM, ARCS: ARCS 0 (24.00 x 34.00 INCHES) DSCHE: DWG TO PDF PDS: PLOT STYLE: PNL01.LOTB



Community Development Department
2529 J. O. Stephenson Avenue
Kennesaw, GA 30144

June 14, 2018

Shadi Jaraysi
3500 Lenox Road, One Alliance, 4th Floor
Atlanta, GA 30326

Re: Properties located in Land Lot 127, Tax Parcels 02, 09 and 230 of the 20th District, 2nd Section at the intersection of North Main Street and Rutledge Road, Kennesaw, Georgia

To Whom It May Concern:

This correspondence serves as Zoning Verification for properties located at the intersection of North Main Street and Rutledge Road, Kennesaw, Georgia. Property identified as 3057 N. Main Street/Rutledge Road consisting of 13 +/- acres located along the south side of Main Street right-of-way.

This is to advise you the zoning and use of the above-captioned properties governed by the laws and regulations of the City of Kennesaw and the properties having been zoned PUD-R for parcels 2 & 9 and parcel 230 being zoned PUD-R to provide locations for residential/planned unit development of low intensity. (PUD-R & R-20) Planned Unit Development/Residential. (Rezoned to PUD-R) see ordinance attached

You should consult the appropriate provisions of the current Zoning Ordinance as to the uses permitted and required standards under such zoning. You can view all zoning ordinances online at www.kennesaw-ga.gov "Planned Unit Development-residential district is established to encourage and provide flexible site plan and building arrangements under a unified plan of development rather than by lot-by-lot regulations." The Planned Unit Development encourages land planning and use of the occupants of the development for a more desirable environment with density consistent with the surrounding development.

As of the date hereof, the premises and improvements thereon are not in violation of the previously mentioned building and zoning laws, rules and regulations. You should also be aware that although a use or standard identified under the existing language of the ordinance and regulations be permitted at present, these are subject to change from time to time.

Should you have any questions, or wish to set up an appointment to discuss these parcels, please feel free to call 770-590-8268.

Sincerely,
Diane Wroblewski
Diane Wroblewski
Assistant Planning and Zoning Administrator

Attachments: Ordinance 2018-04

Building Services	Economic Dev.	Planning	Fax
(770) 429-4554	(770) 794-7075	(770) 590-8268	(770) 429-4548



- Maximum height of all townhomes not to exceed forty-five (45) feet.
- Maximum building coverage to be 40%.
- Minimum house size shall be 1,400 sq. feet.
- Front setbacks will be a minimum of five (5) feet as depicted on the site plan. However, the driveways will be a minimum of twenty (20) feet in length from the edge of the sidewalk to the front of the garage ensuring that cars can park on the driveway.
- Major side setbacks will be five (5) feet from the right-of-way. However, no structure shall be closer than eighteen (18) feet from the curb on the roadway, or 10 feet from the curb of a parallel parking curb.
- Minimum side-setback between structures will be fifteen (15) feet.
- Major rear-yard setback will be thirty (30) feet from the exterior property line.
- Minimum rear-yard setback will be thirty (30) feet from back of structure to back of structure (interior lots).
- Open space to be provided within development to be a minimum of 25% or 2 acres excluding ponds and will include a pocket park and courtyard area as shown on the Zoning Plan by Ridge Planning and Engineering dated 11/13/17.
- There shall be a minimum twenty (20) foot maintained buffer along the exterior of the development except as shown on the site plan, and where it is adjacent to property that was zoned PUD-R in 2014. Said buffer may be graded and replanted in accordance with the adopted city of Kennesaw landscaping ordinance.
- School bus stops and potential shelters will be coordinated with the Board of Education.
- Applicant will work to ensure that a proper buffer is enforced for the rear of the property subject to City Codes and staff verification with the cemetery and Winkenhof Funeral Home. The final buffer adjacent to the cemetery shall be reviewed and approved by the city staff and the Plan Review Committee (PRC).
- The Covenants will give the Homeowners Association control over rental restrictions. There will be a ten (10) % cap on the number of units that can be rented. The rental cap shall be incorporated into the covenants.
- The Applicant agrees that construction activity will begin within two years of the approval date of the rezoning. If no construction activity is initiated, then the subject property will automatically revert back to the original zoning and all previous imposed conditions.
- Developer will install street lights similar to type used in downtown Kennesaw.

SECTION 3. BE IT FURTHER ORDAINED THAT it is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses, and phrases are severable, and if any section, paragraph, sentence, clause, and phrase is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance.

SECTION 4. BE IT FURTHER ORDAINED THAT this Ordinance shall become effective from and after its adoption and execution by the Mayor, pursuant to Section 2.11 of the City Charter of the City of Kennesaw.

PASSED AND ADOPTED by the Kennesaw City Council on this __ day of January, 2018.

CITY OF KENNESAW
ORDINANCE NO. 2018-04, 2018

CITY OF KENNESAW, GEORGIA

ORDINANCE NO. 2018-04, 2018

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF KENNESAW, GEORGIA SO AS TO CHANGE THE ZONING DISTRICT DESIGNATION FROM CITY R-20 & PUD-R to CITY PUD-R PROPERTIES LOCATED AT 3057 MAIN STREET AND 3088 RUTLEDGE ROAD (LAND LOT 127 & 140 TAX PARCELS 2, 230 & 9)

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KENNESAW, COBB COUNTY, GEORGIA, AS FOLLOWS:

WHEREAS, LDS PARTNERS, LLC, made application to amend the Official Zoning Map of the City of Kennesaw, Georgia so as to change the zoning designation from CITY R-20 & PUD-R to CITY PUD-R for properties located at 3057 Main Street, 3088 Rutledge Road identified as Land Lot 127 & 140 Tax Parcels 2, 230 & 9 (as more particularly described below); and

WHEREAS, notice was advertised in the Marietta Daily Journal on December 16, 2017 and December 23, 2017, of a public hearing before the Kennesaw Planning Commission held on January 03, 2018 and the Mayor and Council on January 16, 2018; and

WHEREAS, the Kennesaw Planning Commission held a public hearing on this proposal at a meeting held on January 03, 2018; and

WHEREAS, the Mayor and Council held a public hearing to consider this proposal at a meeting held on January 16, 2018; and

WHEREAS, the Mayor and Council have determined that the proposed amendment to the Official Zoning Map is in the public interest and meets the standards established in the Kennesaw Zoning Code.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KENNESAW, COBB COUNTY, GEORGIA, AS FOLLOWS.

SECTION 1. The Official Zoning Map of the City of Kennesaw, Georgia is hereby amended so as to change the zoning district designation from CITY R-20 & PUD-R to CITY PUD-R for the following described properties:

RUTLEDGE ROAD LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING IN AND BEING A PART OF LAND LOT 127 AND 140, 20TH DISTRICT, 2ND SECTION, CITY OF KENNESAW, COBB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY OF NORTH MAIN STREET HAVING A 50' RIGHT OF WAY AND THE

EASTERLY RIGHT OF WAY OF RUTLEDGE ROAD HAVING A 50' RIGHT OF WAY; THENCE CONTINUING ALONG THE SAID RIGHT OF WAY OF RUTLEDGE ROAD IN SOUTHWESTERLY DIRECTION A DISTANCE OF 426.89 FEET TO A 1"OTP SAID 1"OTP BEING THE TRUE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING AS THUS ESTABLISHED LEAVING THE SAID RIGHT OF WAY OF RUTLEDGE ROAD SOUTH 73 DEGREES 40 MINUTES 49 SECONDS EAST A DISTANCE OF 137.68 FEET TO A 1"OTP; THENCE south 00 DEGREES 20 MINUTES 21 SECONDS east A DISTANCE OF 44.55 FEET TO A POINT; THENCE SOUTH 71 DEGREES 44 MINUTES 30 SECONDS EAST A DISTANCE OF 393.71 FEET TO A POINT; THENCE north 86 DEGREES 04 MINUTES 39 SECONDS east A DISTANCE OF 11.33 FEET TO A POINT; THENCE north 15 DEGREES 42 MINUTES 26 SECONDS east A DISTANCE OF 85.81 FEET TO A POINT; THENCE south 71 DEGREES 44 MINUTES 30 SECONDS east A DISTANCE OF 153.04 FEET TO A POINT; THENCE SOUTH 18 DEGREES 00 MINUTES 38 SECONDS WEST A DISTANCE OF 235.58 FEET TO A POINT; THENCE SOUTH 18 DEGREES 00 MINUTES 38 SECONDS WEST A DISTANCE OF 326.80 FEET TO A ½"REBAR; THENCE SOUTH 15 DEGREES 59 MINUTES 12 SECONDS WEST A DISTANCE OF 290.63 FEET TO A ½"REBAR; THENCE NORTH 54 DEGREES 18 MINUTES 09 SECONDS WEST A DISTANCE OF 96.88 FEET TO A ½"REBAR; THENCE NORTH 79 DEGREES 08 MINUTES 24 SECONDS WEST A DISTANCE OF 183.03 FEET TO A POINT; THENCE NORTH 33 DEGREES 30 MINUTES 44 SECONDS WEST A DISTANCE OF 100.73 FEET TO A POINT; THENCE NORTH 01 DEGREES 20 MINUTES 44 SECONDS WEST A DISTANCE OF 128.01 FEET TO A ½"REBAR; THENCE NORTH 00 DEGREES 05 MINUTES 13 SECONDS EAST A DISTANCE OF 317.65 FEET TO A 1"OTP-DISTURBED; THENCE NORTH 00 DEGREES 26 MINUTES 54 SECONDS WEST A DISTANCE OF 139.47 FEET TO A POINT; THENCE NORTH 00 DEGREES 26 MINUTES 54 SECONDS WEST A DISTANCE OF 68.34 FEET TO A 1"OTP; THENCE NORTH 74 DEGREES 04 MINUTES 36 SECONDS WEST A DISTANCE OF 204.67 FEET TO A ½"REBAR ON THE SAID RIGHT OF WAY OF RUTLEDGE ROAD; THENCE CONTINUING ALONG THE SAID RIGHT OF WAY OF RUTLEDGE ROAD NORTH 31 DEGREES 03 MINUTES 05 SECONDS EAST A DISTANCE OF 123.98 FEET TO A 1"OTP; SAID 1"OTP BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 8.403 ACRES MORE OR LESS.

SECTION 2. BE IT FURTHER ORDAINED THAT the amendment to the Official Zoning Map outlined in Section 1 above is adopted to change the zoning district designation from CITY R-20 & PUD-R to CITY PUD-R with stipulations as follows:

- Maximum number of units on this portion of the previously approved PUD-R is 70 units, yielding a density of 8.3 units per acre for this portion of the neighborhood. The overall density of the PUD-R shall remain a maximum of 7.78 units per acre.
- Minimum driveway depth of twenty (20) feet from sidewalk so no vehicle or portion of vehicles crossing into the sidewalk. Sidewalks will be consistent with the attached LDS site plan.
- Architecture for the townhomes will be similar to the attached rendering submitted by the applicant to include: The Atlanta; The Austin, The Jackson, The Pine, The Birch and The Redwood.

CITY OF KENNESAW
ORDINANCE NO. 2018-04, 2018

ATTEST:

Debra Taylor, City Clerk

CITY OF KENNESAW:

Derek Easterling, Mayor



Know what's below.
Call before you dig.

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN BY AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MAY BE INCURRED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

NOTICE
CONSTRUCTION SITE SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. NEITHER THE OWNER NOR THE ENGINEER SHALL BE OBLIGED TO ASSUME ANY RESPONSIBILITY FOR THE SAFETY OF THE WORK OF PERSONS ENGAGED IN THE WORK OF ANY NEARBY STRUCTURES, OR OF ANY OTHER PERSONS.

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24 HOUR
EMERGENCY CONTACT
TYLER SHOOP
302-540-5998

ATWELL
866.850.4200 www.atwell-group.com
1850 PARKWAY PLACE, SUITE 650
MARIETTA, GA 30066
COAT# PF005904

20TH DISTRICT, 2ND SECTION
NORTH MAIN STREET AND RUTLEDGE RD
CITY OF KENNESAW
COBB COUNTY, GA

THE TOWNES AT CANTRELL
CRAWFORD CREEK COMMUNITIES LLC
CONSTRUCTION PLANS
PRELIMINARY PLAT

DATE 2024-10-30

REVISIONS

2024/10/23

0' 1" 2" 3" 4" 5" 6" 7" 8" 9" 10"
SCALE: 1"=10'

DRAWN BY: NL
CHECKED BY: MV
PROJECT MANAGER: MV
JOB #: 24004567
FILE CODE: CP
SHEET NO. PP2

NOT ISSUED FOR CONSTRUCTION

CAD FILE: 24004567-PRELIMINARY-PLAT

Page 118 of 118